

In the Matter Of:

La Union Del Pueblo Entero vs

Abbott

SUSAN FOUNTAIN

April 26, 2023



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO	§	
ENTERO, et al.,	§	
	§	
Plaintiffs,	§	CIVIL ACTION NO.:
	§	5:21-CV-0844-XR
vs.	§	
	§	(Consolidated Cases)
GREGORY ABBOTT, et al.,	§	
	§	
Defendants.	§	

HYBRID REALTIMED/VIDEOCONFERENCED
DEPOSITION OF SUSAN FOUNTAIN
INDIVIDUAL CAPACITY AND
AS CORPORATE REPRESENTATIVE OF
THE DALLAS COUNTY REPUBLICAN PARTY
APRIL 26, 2023

1 that you need to look over any exhibit.

2 A. All right. Thank you. I appreciate that.

3 Q. It's a little bit of an artificial
4 conversation. It's hard to -- hard to do.

5 A. Sorry.

6 Q. No, that's okay.

7 A. I can be trained.

8 Q. And just let me know when you're through
9 looking through it.

10 A. All right.

11 Q. Okay. Do you understand that you're here
12 testifying today as a representative of the Dallas
13 County Republican Party?

14 A. I do.

15 Q. Okay. So if you could turn back to -- so
16 it's page 4 of Exhibit A of the first exhibit I
17 handed you, Exhibit 1 there.

18 A. (Examined exhibit.)

19 Q. So these are all the topics?

20 A. It says, "Certificate of Service."

21 Q. So go back a little bit further.

22 A. (Complied.) These?

23 Q. And then flip to page 4.

24 A. There's two page 4s. (Complied.) Okay.

25 Q. Okay. So do you understand that you've

1 as something --

2 A. Nothing is jumping out at me. Sorry.

3 Q. Okay. That's okay.

4 Do you understand that you're also

5 being deposed in your personal capacity today?

6 A. Yes.

7 Q. Okay.

8 A. Yes, I do.

9 Q. Okay. So to keep things clear. I will

10 let you know when I'm asking you questions that

11 pertain to you, Susan Fountain, individually,

12 personal.

13 And otherwise, can we agree that

14 you'll answer on behalf of the Dallas County

15 Republican Party?

16 A. Yes.

17 Q. Ms. Fountain, what did you do to prepare
18 for the deposition today?

19 A. I spoke with Mr. Gore on several
20 occasions.

21 Q. Okay. And I don't want to know what you
22 talked about with your lawyers, but I would like to
23 know about how long you met with your lawyers?

24 A. Overall?

25 Q. Yes.

1 at UT Dallas?

2 A. 1982.

3 Q. Okay. And then are you saying you went to
4 college in San Antonio or to a college called
5 San Antonio College?

6 A. I -- I went to San Antonio College in
7 San Antonio, Texas.

8 Q. Okay. And what years did you attend
9 there?

10 A. Sporadically over a few years while I was
11 working there.

12 Q. Okay. So that would have been prior to
13 1981?

14 A. 19 -- 1977 to 1981 when I moved.

15 Q. Okay. What is your current occupation?

16 A. I'm the executive director of the Dallas
17 County Republican Party.

18 Q. And what did you do before you were the
19 executive director for the Dallas County Republican
20 Party?

21 A. I've been a self-employed -- sorry.

22 Q. That's okay.

23 A. I've been a self-employed -- a contract
24 accountant for small businesses in Dallas for the
25 last -- well, since I moved to -- to Dallas.

1 susanwho@protonmail.com. "Protonmail" is one word.

2 Q. Thank you.

3 And how long have you been the

4 executive director of the Dallas County Republican

5 Party?

6 A. August 1st, 2021.

7 Q. And how did you come to be in that

8 position?

9 A. I was hired by our County chairman,

10 Jennifer Stoddard Hajdu.

11 Q. And what are your roles and

12 responsibilities in that position?

13 A. To communicate with Dallas County voters.

14 To communicate with precinct chairs. To recruit

15 precinct chairs. To recruit election workers. To

16 assign election workers. To -- I speak at a lot

17 of -- of various Republican groups on behalf of the

18 party. I have been an election worker. I am a

19 precinct chair.

20 Q. Okay. So you said that you do -- you

21 recruit and you -- do you do training as well as

22 part of your position?

23 A. I do.

24 Q. Okay. Does anyone else at the Dallas

25 County Republican Party also have those same roles

1 through the state.

2 Q. Okay. And I see that you served on one of

3 those election integrity committees; is that right?

4 A. No, I -- I don't recall being on that.

5 Q. Okay. Let's flip, then, to -- if you'll

6 look with me --

7 A. I -- I may have been involved in it, but I

8 can't remember which one I was involved with.

9 Q. Okay. Well, if you'll flip with me to

10 Exhibit 3 that I handed you.

11 A. (Complied.) Uh-huh.

12 Q. And if you'll flip to the -- the -- let's

13 see. I have one, two -- third page under 2021.

14 A. Um-hum.

15 Q. It says, "Following the disastrous

16 November 2020 election, I served on the Legislative

17 Priorities Election Integrity Committee."

18 A. Oh, okay.

19 Q. Did I read that right?

20 A. Of course, yeah.

21 Q. Okay.

22 A. I've served on many election integrity

23 committee members -- committees, so as a member or

24 being interested. I'm sorry. I'd forgotten that

25 one. So this is -- this is pretty much a -- a very

1 A. I don't believe I am. AAA.

2 Q. You served as an election judge; is that
3 right?

4 A. Yes.

5 Q. Okay. Where have you served as an
6 election judge?

7 A. In my neighborhood precinct location of
8 Wallace Elementary School.

9 Q. How long have you served as an election
10 judge?

11 A. I've served in several capacities over
12 many years. I've served as a clerk. I've served as
13 a presiding judge over the course of eight to ten
14 years. Maybe more. I can't remember.

15 Q. Do you recall when you would have served
16 as a judge in particular?

17 A. From a presiding judge?

18 Q. Yes.

19 A. From 2018 through 20- -- May -- March
20 of 2022. The March primary last year was the last
21 time I served as a judge.

22 Q. And when did you serve as a clerk?

23 A. From 2008 through 2016.

24 Q. And would these all have been at Wallace
25 Elementary School?

1 school?

2 A. Yes.

3 Q. So other than that time in the school in
4 Merriman Park, all the other times that you would
5 have served as a judge would have been at Wallace
6 Elementary?

7 A. Wallace or Highland Meadows Elementary
8 School. Those two.

9 Q. Okay. So I think you said you served as a
10 clerk at Highland Meadows?

11 A. Yes.

12 Q. And then did you also --

13 A. The judge was at Wallace.

14 Q. Wallace?

15 A. Yes.

16 Q. Thank you.

17 A. Um-hum.

18 Q. Have you ever served as a poll watcher?

19 A. I have.

20 Q. When did you serve as a poll watcher?

21 A. From early 2019 until sometime in 2021.

22 Q. Where did you serve?

23 A. Central Count at Dallas County Elections
24 Department.

25 Q. Are you familiar with the terms "block

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1 Luby Ryan. Her predecessor, Jason Villalba. Same
2 House District.

3 For Mayor of Dallas -- I'm trying to
4 remember his name -- Mike Ablon.

5 For Congress, Pete Sessions.

6 For Congress, Jeb Hensarling.

7 For State Senator, Don Huffines.

8 Do you need more?

9 Q. If you recall more.

10 A. District Attorney, Ken Paxton.

11 That's all I remember right now.

12 Q. And when you walked block or canvassed for
13 these candidates, did you find that voters
14 recognized you when they opened the door?

15 A. Of course.

16 Q. Did you find yourself answering questions
17 of voters about how they should vote, meaning by
18 mail or in person?

19 A. Yes.

20 Q. Okay. And what kind of questions would
21 you get?

22 A. "How do I get a ballot by mail
23 application?"

24 Q. And what would you tell those voters?

25 A. I would direct them to the Elections

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1 A. Yes. Not all the time, every time. Just
2 when she didn't feel strong enough to -- to go
3 herself.

4 Q. Approximately, how many times did you
5 drive her to the polls?

6 A. Three or four.

7 Q. Do you recall the last time that you would
8 have done so?

9 A. I don't.

10 Q. Would it have been in the last two years?

11 A. No.

12 Q. So longer than two years? Last five
13 years?

14 A. That's the edge. She's in an assisted
15 living center now, with dementia, unfortunately.

16 Q. Ms. Fountain, do you expect to testify in
17 this case?

18 A. I have no expectations. If I'm asked, I
19 would be happy to testify. If I'm not ...

20 Q. Do you know what topics you would testify
21 on?

22 A. Most likely my experiences as a poll
23 watcher in Central Count in Dallas County Elections
24 Department.

25 Q. So you would expect your testimony to be

1 relevant just to Dallas County?

2 A. Yes.

3 Q. Okay. So that's -- oh, go ahead.

4 A. And -- I'm sorry.

5 Q. What were you going to say?

6 A. That would be in respect to my personal

7 experience and not as an employee of the Dallas

8 County Republican Party since I have not poll

9 watched since I've been executive director.

10 Q. Do you expect to testify as representative
11 of the Dallas County Republican Party?

12 A. If asked.

13 Q. Do you know on what topics?

14 A. Anything relevant to this case that I have
15 knowledge of.

16 Q. So speaking as a representative of the
17 Dallas County Republican Party now, can you tell me
18 who you report to as the executive director?

19 A. I report to the Dallas County Republican
20 Party Chairman, Jennifer Stoddard Hajdu, H-a-j-d-u.

21 Q. And do you have a duty to report to the
22 Republican Party of Texas in your position?

23 A. To the extent that I'm asked or -- or it's
24 relevant to the State Party. We communicate with
25 our State Party Executive Director since we are on

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1 There is a data and analytics committee chaired by
2 Dennis. I'm trying to remember his last name. I
3 can get his last name for you. He's also a precinct
4 chair, so he's in our records.

5 Q. Any other committees?

6 A. We have a bylaws committee chaired by Dan
7 Pickens, P-i-c-k-e-n-s. And we have a precinct
8 chair resource committee chaired by Troy Jackson.

9 Q. What are the roles and responsibilities of
10 the election integrity committee?

11 A. The roles and responsibilities of the
12 election integrity committee, as I understand them,
13 would be, to me, to review issues that have come up
14 with elections in mainly -- specific to Dallas
15 County and to discuss upcoming legislation if our
16 State legislature is in session.

17 Q. How many people are on the election
18 integrity committee?

19 A. I believe there are 20.

20 Q. And you said Wes Bowen chairs that
21 committee?

22 A. Yes, I did.

23 Q. Is the election integrity committee
24 responsible for poll watcher recruitment?

25 A. Yes.

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1 Q. Is he responsible for poll watcher

2 training?

3 A. Yes.

4 Q. Is there any other person or committee in
5 the Dallas County Republican Party that is
6 responsible for poll watcher recruitment or poll
7 watcher training?

8 A. No.

9 Q. And how long has Mr. Bowen held the chair
10 role?

11 A. If I recall correctly, I believe he was
12 appointed by Missy Shorey, who was our party
13 chairwoman in 2017, through her death in April
14 of 2019.

15 Q. And how many people are paid employees of
16 the Dallas County Republican Party?

17 A. There are two.

18 Q. One of them is you; is that correct?

19 A. (Nodded head.)

20 Q. And who is the other person?

21 A. Mary Brooks.

22 Q. Ms. Brooks is the executive assistant; is
23 that right?

24 A. Yes. Executive -- executive
25 administrator --

1 our elections go through a black box. It goes in,
2 and we are not real sure of how it comes out on the
3 other end.

4 Q. Have you given any presentations on SB 1?

5 A. No.

6 Q. Okay. And then earlier you mentioned that
7 you had done quite a bit of block walking and
8 canvassing.

9 A. Um-hum.

10 Q. Have you ever received any compensation or
11 other benefit for acting as a block walker
12 canvasser?

13 A. None at all.

14 Q. Okay. And then when you were block
15 walking or canvassing, did you ever help voters fill
16 out applications to vote by mail or mail ballots?

17 A. Never. Other than -- I did not fill it
18 out for them. All I did was what -- interpret what
19 the -- the form said. A lot of -- of people who
20 vote by mail are elderly, and that form can be
21 confusing sometimes, especially with providing one
22 form of ID on the ballot by mail or another.

23 Sometimes they forget if they put the
24 last four of their Social or their driver's license
25 number on the form, and they can't remember which

1 one. So if they misremember, their ballot by mail
2 is rejected. So that's basically the biggest
3 concern.

4 Q. Okay. And what do you tell them when you
5 interpret what should go on the form?

6 A. What do I tell them? I -- I advise them
7 to put both forms of ID on there in order to ensure
8 that their ballot is approved because it goes
9 through a scrutinization process. And then when
10 they send their ballot back, their actual ballot by
11 mail, it has to match that ballot application.

12 Q. Is there anything else you provided advice
13 on with respect to mail ballots?

14 A. No.

15 Q. Okay.

16 A. They -- that -- except that they have to
17 mail it themselves. I cannot take it and mail it
18 for them.

19 Q. And when you -- and when you've provided
20 that assistance in interpreting what needs to go on
21 to the -- either the application of vote by mail or
22 the mail ballot, has that been part of your block
23 walking and canvassing that that's come up, or has
24 that been separate?

25 A. That would be -- that would be separate.

1 Q. I know that you can sign up to be a poll
2 watcher on the Dallas County Republican Party web
3 page; is that right?

4 A. Yes.

5 Q. Okay. Is there any other way that the
6 Dallas County Republican Party recruits poll
7 watchers?

8 A. Word of mouth.

9 Q. Anything else?

10 A. I don't recall any other.

11 Q. And earlier you told me that when someone
12 provides information on the website, it kind of goes
13 into a repository or a list that is subject matter
14 based.

15 Would that be the same thing for
16 someone who signs up for poll watcher, you know,
17 being interested in being a poll watcher?

18 A. Yes.

19 Q. And the Dallas County Republican Party
20 provides in-person training for poll watchers; is
21 that right?

22 A. Correct.

23 Q. And is there written information or
24 training materials that you prepare for poll
25 watchers?

1 A. It depends on what type of election it is.

2 The trainer would generally provide that.

3 Q. So is there a standard training that's

4 provided?

5 A. I think that Wes Bowen has used a

6 PowerPoint presentation before. I remember asking

7 him to send it so that it can be, you know, reviewed

8 by counsel.

9 Q. Do you know if it was produced in this
10 case?

11 A. I -- I did not micromanage that process.
12 I asked, and I did not follow up to check -- to make
13 sure that every request was sent. But I kind of
14 think that he sent it as asked.

15 Q. It was forwarded for that purpose anyway?

16 A. Yes.

17 Q. Understood. Who, besides Mr. Bowen,
18 provides poll watcher training?

19 A. Under the wing of the Dallas County
20 Republican Party?

21 Q. Yes.

22 A. I think that Wes Bowen is the only one who
23 does that.

24 Q. And do you know if he drafted the
25 PowerPoint you mentioned?

1 A. I do not.

2 Q. Do you know who would have assisted with
3 that, if anyone?

4 A. I do not.

5 Q. Have you seen the PowerPoint training?

6 A. Some parts of it, yes, I have. I just
7 happened to be there at the time they gave the
8 training. I've not committed it to memory, and I
9 don't have a copy of it.

10 Q. Okay. Prior to the enactment of SB 1, did
11 the Dallas County Republican Party provide training
12 about where a poll watcher could stand?

13 A. Yes.

14 Q. And what was that training?

15 MR. GORE: I'm gonna object at this
16 point. Dallas County Republican Party has asserted
17 a First Amendment privilege of the content of a poll
18 watcher training. The content of that training has
19 never been divulged outside of the Dallas County
20 Republican Party and invited individuals.

21 We have logged it on our privilege log
22 as subject to First Amendment privilege. At least
23 when it comes to the content of poll watcher
24 training, I instruct the witness not to answer those
25 questions.

1 BY MS. CLOUD:

2 Q. Are you gonna follow your counsel's
3 instruction?

4 A. Absolutely.

5 Q. As part of training prior to the enactment
6 of SB 1, was there a training about what a poll
7 watcher could observe?

8 A. Yes.

9 Q. Did that training change following the
10 enactment of SB 1?

11 A. I believe it did.

12 Q. And how did it change?

13 MR. GORE: Again, I'm going to object
14 on First Amendment grounds and instruct the witness
15 not to answer.

16 BY MS. CLOUD:

17 Q. Are you gonna follow your counsel's
18 instruction?

19 A. Absolutely.

20 Q. Does the Dallas County Republican Party
21 answer questions that poll watchers have about where
22 they can stand?

23 A. Yes.

24 Q. And does the Dallas County Republican
25 Party still give advice to poll watchers about where

1 they can stand?

2 A. Through our training, yes.

3 Q. Does the Dallas County Republican Party

4 get questions from poll watchers that it appoints

5 about where they can stand?

6 A. Yes.

7 Q. Okay. And does the Dallas County

8 Republican Party get questions from poll watchers

9 about what they can observe?

10 A. Yes.

11 Q. What kind of questions does the Dallas
12 County Republican Party get about what poll watchers
13 can observe?

14 MR. GORE: I'm gonna object again on
15 the same basis as we're now getting into content of
16 trainings or advice that the Dallas County
17 Republican Party gives to its poll watchers. That's
18 protected by the First Amendment. Instruct the
19 witness not to answer.

20 BY MS. CLOUD:

21 Q. Are you gonna follow your counsel's
22 instruction?

23 A. Absolutely.

24 Q. Okay. Can a poll watcher address a voter
25 directly?

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1 Q. Are you gonna follow your counsel's
2 instruction?

3 A. Absolutely.

4 Q. I believe you told me earlier that you
5 didn't know if anyone else was involve in the
6 creation of the PowerPoint that Mr. Bowen uses for
7 training; is that right?

8 A. Yes.

9 Q. Okay. Does anyone else at the -- at the
10 Dallas County Republican Party review those
11 materials?

12 A. I don't know.

13 Q. So I'm going to turn your attention to
14 what we'll mark as Exhibit -- what number are we at?
15 -- 5.

16 (Exhibit 5 marked.)

17 BY MS. CLOUD:

18 Q. And I'm gonna turn your attention to
19 Section 4.07, which starts on page 27. The part I
20 want to look at is on page 28.

21 A. (Examined exhibit.) Okay.

22 Q. Okay. So under SB 1, poll watchers "may
23 not be denied free movement where election activity
24 is occurring within the location where a watcher is
25 serving."

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1 Did I read that correctly?

2 A. Where -- which section are you in?

3 Q. I'm sorry. I'm in E. So "watcher may not
4 be denied free movement where election activity is
5 occurring within the location where the watcher is
6 serving."

7 Do you see that?

8 A. That's -- I agree that that's what that
9 says.

10 Q. Okay. What do you understand "free
11 movement" to mean?

12 A. That means that they can wander around,
13 stand close enough to observe. They are not
14 restricted to a chair in the opposite corner of the
15 voting center. They can observe the election clerks
16 as they check in voters as long as they do not
17 obstruct the duties of that election clerk.

18 Q. And you said that means they can "stand
19 close enough to observe."

20 Can you be more specific?

21 MR. GORE: I'm just gonna object to
22 this question to the extent it calls for a legal
23 opinion.

24 BY MS. CLOUD:

25 Q. You can answer.

1 A. I -- I prefer -- I don't have any specific
2 measurement personally.

3 Q. Would you say it's less than 6 feet?

4 A. Yes.

5 Q. Less than 3 feet?

6 MR. GORE: Same objection.

7 A. It's -- it's a call of the poll watcher
8 at -- at that particular location.

9 BY MS. CLOUD:

10 Q. So it could be 3 feet; it could be less?

11 MR. GORE: Same objection.

12 A. I -- I'm not sure of any specific
13 measurement.

14 BY MS. CLOUD:

15 Q. And what is your understanding of where
16 election activity is incurring -- is occurring in a
17 polling place?

18 MR. GORE: Same objection.

19 A. There are different stations in every
20 polling location. Every setup is different.

21 BY MS. CLOUD:

22 Q. So can you give me a little bit more
23 information about how you personally would perceive
24 election activity and where that's occurring?

25 MR. GORE: Objection to the extent it

1 calls for a legal opinion.

2 A. I -- I don't have a personal opinion.

3 Each voting center is different.

4 BY MS. CLOUD:

5 Q. So you can't tell me any type of, you
6 know, particular place in a polling center, any type
7 of particular activity that could be going on, that
8 you would identify as election activity and where
9 that's occurring?

10 MR. GORE: Same objection.

11 A. The -- the entire room is an election
12 location.

13 BY MS. CLOUD:

14 Q. And what do you feel is an appropriate
15 distance for a voter to stand -- for a poll watcher
16 to stand from a voter while checking in?

17 MR. GORE: Objection to the extent it
18 calls for a legal opinion. And objection on asked
19 and answered.

20 BY MS. CLOUD:

21 Q. You can answer.

22 A. Once again, it depends on the setup of the
23 room. It's -- some rooms are smaller. Some rooms
24 are much larger. It's -- it's a -- it's a decision
25 made by the poll watcher at the time according to

1 the circumstances and the venue. There is no one
2 set.

3 Q. Is there anything you can tell me that is
4 definitely an inappropriate distance, in your
5 opinion?

6 MR. GORE: Objection to the extent it
7 calls for a legal opinion.

8 A. I would answer the same to that question
9 as well.

10 BY MS. CLOUD:

11 Q. So there's no distance, to your mind, that
12 is -- that is always going to be too close; is that
13 right?

14 MR. GORE: Objection to the extent it
15 calls for a legal opinion.

16 A. If they're gonna put their chin on their
17 shoulder and watch behind you, that's too close. It
18 completely depends on the setup of the room.

19 BY MS. CLOUD:

20 Q. And with respect to filling -- a voter
21 filling out their ballot, what do you think is an
22 appropriate distance to stand from a voter when
23 they're filling out their ballot?

24 MR. GORE: Same objection.

25 A. A couple of feet, maybe. Just to ensure

1 that they're not using a telephone in the voting
2 location, enough to observe that. That no one else
3 is -- is trying to electioneer in the location.

4 BY MS. CLOUD:

5 Q. Would the fact that a voter is speaking in
6 a foreign language would somewhat affect the
7 distance away from a voter that a poll watcher
8 should stand, in your opinion?

9 MR. GORE: Same objection. And object
10 to form.

11 A. I don't think language would have any
12 bearing on the role of a poll watcher.

13 BY MS. CLOUD:

14 Q. Okay. So now I want to turn over to 4.09,
15 which is on page 29.

16 A. (Complied.)

17 Q. It says an election worker breaks the law
18 by "taking an action to obstruct the view" --

19 A. What paragraph?

20 Q. Oh, I'm sorry. It's under A -- Subsection
21 A -- so Section 4.09, Subsection A. Okay. So about
22 halfway through the paragraph, it says an election
23 worker breaks the law if they (as read) "obstruct
24 the view of a watcher or at a distance from a
25 watcher from the activity or procedure to be

1 observed in a manner that would make observation not
2 reasonably effective."

3 Can you describe to me what actions an
4 election official might take that would obstruct the
5 view of a watcher of a activity or a procedure so
6 they're being observed in a manner that would not
7 make observation reasonable effective?

8 MR. GORE: Objection to the extent it
9 calls for a legal opinion. And object to form.

10 A. It depends on the setup of the room.

11 BY MS. CLOUD:

12 Q. Can you think of an example that might
13 make observation not reasonable effective?

14 MR. GORE: Objection to the extent it
15 calls for a legal opinion.

16 A. Depends on the setup of the room.

17 BY MS. CLOUD:

18 Q. So as you sit here today, you can't think
19 of an example that might render observation not
20 reasonable effective?

21 MR. GORE: Objection; mischaracterizes
22 testimony and to the extent it calls for a legal
23 conclusion.

24 A. It would be an observation that would --
25 before SB 1, the presiding judges, more or less,

1 subjected the poll watchers to sitting in a chair at
2 a -- an unreasonable distance away. But I believe
3 that this makes a correction that we're there as
4 a -- a decision made on the setup of the room at the
5 end of -- that would make that arbitrary.

6 BY MS. CLOUD:

7 Q. I'm sorry. I want to make sure I
8 understood what you said.

9 (Examined realtime screen.)

10 BY MS. CLOUD:

11 Q. Being, you know, put in a chair in a
12 specific spot could potentially make observation --

13 A. Impossible.

14 Q. Okay. Anything else you can think of?

15 A. No.

16 Q. Does the Dallas County Republican Party
17 consider it within the scope of its -- of the duties
18 of a poll watcher to write down the names of voters
19 as they check in to vote?

20 A. Absolutely not.

21 Q. Does the Dallas County Republican Party
22 track the number of poll watcher violations or
23 potential infractions that are reported to it?

24 MR. GORE: Object to form.

25 A. Yes.

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1 ever had to do that?

2 A. I -- I cannot remember if that specific
3 thing happened.

4 Q. So I want to turn your attention to what
5 we'll mark as Exhibit 8.

6 A. Okay. I'll give these back to you, so I
7 don't ...

8 (Exhibit 8 marked.)

9 BY MS. CLOUD:

10 Q. Okay. So this is an e-mail between
11 Michael Scarpello and Jennifer -- is it "Hey-do"?
12 Am I saying that correctly?

13 A. "Hoy-do."

14 Q. "Hoy-do." I tried to get it right.

15 A. It's okay.

16 Q. Regarding Angela Robertson, who was
17 appointed to serve as an election judge in the May
18 7th, 2022, Constitutional Amendment and Joint
19 Election. It was produced by your counsel and
20 marked as RCPI_0000361.

21 Have you seen this e-mail before?

22 A. (Examined exhibit.) I believe I have.

23 Q. Okay. Is it a true and correct copy of
24 the e-mail between Mr. Scarpello and Jennifer Hajdu?

25 A. I believe it is.

1 issue?

2 MR. GORE: Object to form.

3 A. It -- it was part of a long process.

4 BY MS. CLOUD:

5 Q. And is that how the Dallas County

6 Republican Party normally handles an individual who

7 is not listening or cooperating with elections

8 officials?

9 A. We try to cooperate with the Elections

10 Department and follow their guidelines. And, yes,

11 we -- it's unfortunate that sometimes we have to

12 remove an election -- and she's a very good judge.

13 But if she's not gonna cooperate with the party or

14 the Elections Department, we have no choice.

15 Q. Is there anyone else that has been removed

16 from your -- from the Dallas County Republican

17 Party's list of election workers?

18 A. Not to my knowledge.

19 Q. So is Ms. Robertson the only circumstance

20 you can think of where someone was no longer used?

21 A. Yes.

22 THE COURT REPORTER: What was your
23 answer?

24 THE WITNESS: Yes. Sorry.

25 BY MS. CLOUD:

1 A. We have an assignment priority that we
2 implemented in November --

3 Q. Is that --

4 A. -- based on prior complaints.

5 Q. Would that be a list, or is that a rubric,
6 or how?

7 A. I've not seen that.

8 Q. Who would have put that together?

9 A. Our chairman of our election integrity
10 committee.

11 Q. Mr. Bowen?

12 A. Yes.

13 Q. Do poll watchers ever request to work in a
14 particular area or at a particular polling location?

15 A. Yes.

16 Q. Does the Dallas County Republican Party
17 accommodate those requests?

18 A. Generally.

19 Q. Does it matter whether those requests fall
20 within the assessment of priority?

21 A. Not necessarily.

22 Q. So if a person asks to go to a particular
23 location and say there had never been any particular
24 complaint so it was a low priority, the Dallas
25 County Republican Party might still assign them

1 there if they asked to be there; is that right?

2 A. Yes.

3 Q. Okay. Is there as list available of where
4 poll watchers were placed in the 2020 general
5 election?

6 A. I've never seen one.

7 Q. Is there a list of where poll watchers
8 were placed in the 2022 general election?

9 A. I have never seen that.

10 Q. So turning to voter assistance, the Dallas
11 County Republican Party devotes resources to voter
12 education, immobilization, assistance, voter
13 turnout; is that right?

14 A. Yes, I believe that to be correct.

15 Q. And I believe earlier you told me that
16 there's no list that anyone works off of in terms of
17 block walking or canvassing; is that right?

18 A. I've never seen one.

19 Q. Okay. And so anyone who wants to block
20 walk for the Dallas County Republican Party would
21 decide on their own where to go, where to start,
22 where to end; is that right?

23 A. They coordinate that with each candidate.

24 Q. Okay. So that's not coming from the
25 Dallas County Republican Party? That's coming from

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1 for whom they know received a mail ballot?

2 A. We don't track people who have requested
3 and/or received mail in ballots. I believe they
4 call that ballot harvesting, which is, I believe,
5 against the law. Not being an attorney.

6 Q. If a block walker were to visit someone
7 that they knew had received a mail ballot, would
8 that block walker urge the voter to vote the ballot
9 and put it in the mail?

10 A. I don't --

11 MR. GORE: Sorry. Let me just put an
12 objection on the record. There's nothing in the
13 30(b)(6) notice about block walkers or about block
14 walking, so I understand these questions to be
15 directed to Ms. Fountain's personal capacity. And,
16 of course, she can answer if she knows, but I don't
17 know the foundation has been laid either. So I just
18 want to point out that we spent a lot of the
19 deposition on something that's not in the 30(b)(6)
20 notice.

21 Go ahead.

22 A. They're not instructed to contact anyone
23 who has -- or we don't give that information to our
24 block walkers, that they have received or in the
25 process of receiving a ballot -- mail-in ballot.

1 employees -- that help bring voters to the polls on
2 election day?

3 A. We don't have any set number of people.
4 We call people that could help drive a voter to the
5 polls if they call up to our office on -- at any
6 time.

7 Q. And I think you said earlier that you had
8 driven someone to do curbside voting?

9 A. Yes.

10 Q. Are there other folks who are available to
11 help in that capacity as well?

12 A. It would depend -- I'd -- it would depend
13 on either getting them to the polls or arranging
14 for the -- they do not help these -- if they do
15 drive someone to the polls, they do not help with
16 regard -- when I took my elderly friend to the
17 polls, I got out of the car and stood outside of the
18 car.

19 In fact, I -- I thought that the
20 election worker was gonna try to mark the ballot for
21 her. She insisted on hovering over my friend while
22 she was voting. So I asked her to step back and
23 give her some privacy, and she did.

24 Q. Are you aware that voters who do not speak

25 English well may use assisters to help them vote?

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1 A. Yes, absolutely.

2 Q. Does the Dallas County Republican Party
3 provide any language assistance to voters that don't
4 speak English well?

5 A. Not to my knowledge. Having been an
6 election judge, there's a phone in the election
7 judge's materials that if the presiding judge needs
8 help in that regard, they will hand the phone to the
9 voter who will speak directly to a native speaker of
10 their own language who is an employee of the
11 Elections Department. And they help them explain
12 some things. I don't know -- I don't understand
13 what they're talking about.

14 Q. Is there a particular reason that the
15 Dallas County Republican Party does not provide
16 language assistance to voters who don't speak
17 English well?

18 A. We have -- we have a limited number of
19 people who speak that language. Mainly, people who
20 have trouble, the ballots are in three different
21 languages now: Spanish, English, and Vietnamese.
22 And if they have trouble reading that sample ballot,
23 which is also printed in that -- those three
24 languages, they, I believe, more often than not take
25 a family member who speaks the same language.

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1 That's -- that's always been my -- and
2 then they have to sign at the polling place that
3 they assisted that voter, and they have to sign
4 their name. And, usually, it's supposed to be a
5 family member. And I think that's even restricted
6 to a mother, father, son, or daughter. I don't
7 think it's -- that they allow your second cousin by
8 marriage to assist a voter.

9 Q. Have you had any communications with
10 Dallas County Republican Party members about
11 providing assistance to voters who don't speak
12 English well?

13 A. We help where we can. That's all I can
14 say. If I know anybody who speaks Swahili and
15 somebody walks in and says, "Do you know anybody who
16 speaks Swahili?" I will give them a phone number.
17 Absolutely.

18 Q. But in terms of talking with Republican
19 Party members -- Dallas County Republican Party
20 members, there's no specific guidelines or guidance
21 given with respect to this type of assistance; is
22 that right?

23 A. We always offer advice to reach out to us
24 if they have a specific instance that they don't
25 know how to address. Personally, I have a -- a

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1 translation app on my phone that I can speak English
2 into it. And it spits it out in whatever language I
3 ask it to, so ... But I've never had to use that in
4 an actual voting center when I was presiding judge.

5 Q. And what guidance does the Dallas County
6 Republican Party give about what to observe when
7 poll watchers are observing voters -- people giving
8 voter assistance to voters?

9 MR. GORE: I'm going to object again
10 on First Amendment grounds. It's getting into the
11 training of poll watchers. I instruct the witness
12 not to answer.

13 BY MS. CLOUD:

14 Q. Are you gonna follow your counsel's
15 instruction?

16 A. Absolutely.

17 Q. Can you tell me about any specific
18 instances of illegal voter assistance in polling
19 places that you have knowledge about personally?

20 A. Would you repeat the question?

21 Q. Yeah. Do you have any specific
22 knowledge -- any knowledge of specific instances of
23 illegal voter assistance in a polling place?

24 A. I have heard of illegal assistance, but
25 it's hearsay.

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO
ENTERO, et al.,

§
§
§
§
§
§
§
§
§
§

Plaintiffs,

CIVIL ACTION NO.:
5:21-CV-0844-XR

vs.

GREGORY ABBOTT, et al.,

(Consolidated Cases)

Defendants.

HYBRID REALTIMED/VIDEOCONFERENCED

DEPOSITION OF SUSAN FOUNTAIN

INDIVIDUAL CAPACITY AND

AS CORPORATE REPRESENTATIVE OF

THE DALLAS COUNTY REPUBLICAN PARTY

APRIL 26, 2023

CERTIFIED STENOGRAPHIC

COURT REPORTER'S CERTIFICATE

I, Karen L. D. Schoeve, Registered Diplomat
Reporter, Certified Realtime Reporter, and Realtime
Systems Administrator, residing in the State of
Texas, do hereby certify that the foregoing

1 proceedings were reported by me and that the
2 foregoing transcript constitutes a full, true, and
3 correct transcription of my stenographic notes, to
4 the best of my ability and hereby certify to the
5 following:

6 By agreement of all attending attorneys, the
7 witness, SUSAN FOUNTAIN, INDIVIDUAL CAPACITY AND AS
8 CORPORATE REPRESENTATIVE OF THE DALLAS COUNTY
9 REPUBLICAN PARTY, was duly sworn by the officer and
10 that the transcript of the oral deposition is a true
11 record of the testimony given by the witness;

12 That the original deposition was delivered to
13 Megan Cloud, custodial attorney;

14 That a copy of this certificate was served on
15 all parties and/or the witness shown herein on

16 _____.

17 I further certify that pursuant to FRCP No.
18 30(f)(i) that the signature of the witness was
19 requested by the witness or a party before the
20 completion of the deposition and the signature is to
21 be returned within 30 days from date of receipt of
22 the transcript.

23 If returned, the attached Changes and
24 Signature Page contains any changes and the reasons
25 therefor.

1 That pursuant to information given to the
2 deposition officer at the time said testimony was
3 taken, the following includes counsel for all
4 parties of record:

5
6 FOR PLAINTIFF LA UNIÓN DEL PUEBLO ENTERO:

7 MEGAN CLOUD, ESQUIRE
8 WEIL, GOTSHAL & MANGES LLP

9 FOR PLAINTIFF HOUSTON AREA URBAN LEAGUE:

10 KENNETH E. BROUGHTON, ESQUIRE
11 REED SMITH LLP

12 FOR DEFENDANT DALLAS COUNTY REPUBLICAN PARTY and THE
13 WITNESS:

14 JOHN M. GORE, ESQUIRE
15 JONES DAY

16 FOR STATE OF TEXAS, GOVERNOR GREG ABBOTT, ATTORNEY
17 GENERAL WARREN PAXTON (OAG), AND SECRETARY OF STATE
18 JANE NELSON:

19 ETHAN SZUMANSKI, ASSISTANT ATTORNEY GENERAL
20 (Appeared remotely via Zoom)
21 OFFICE OF THE ATTORNEY GENERAL OF TEXAS

22 FOR BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE:

23 LISA V. CUBRIEL, ESQUIRE
24 (Appeared remotely via Zoom)
25 BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE

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1 I further certify that I am neither counsel
2 for, related to, nor employed by any of the parties
3 in the action in which this proceeding was taken,
4 and further that I am not financially or otherwise
5 interested in the outcome of the action.

6
7 Subscribed and sworn to on this the 1st day of
8 May, 2023.

9
10
11
12
13 

14 _____
15 Karen L.D. Schoeve, RDR, CRR
16 Realtime Systems Administrator
17 NCRA Exp. Date: 09-30-24
18 Lexitas Legal
19 Firm Registration #736
20 999 Old Eagle School Road, Suite 118
21 Wayne, Pennsylvania 19087
22 215-494-7650

23
24
25 Job No. 2023-894532

Re-Elect Susan Fountain (/)



ABOUT SUSAN

HOME (/)



About Susan Fountain, SREC SD-16 Committeewoman

2005-2006

Joined Lake Highlands Republican Women

2007-2008

LHRW Treasurer 2 years, Attended 1st RPT State Convention 2008

2009-2010

LHRW Membership Vice President; Attended RPT State Convention 2010

2010-2012

LHRW Treasurer 2 Years, Attended RPT State Convention 2012

2014-2015

LHRW President, 1st two-year term - Membership doubled, Attended RPT State Convention 2014

2016-2018

Dallas County Republican Party Treasurer, Attended RPT State Convention 2016 & 2018

2017-2018

Dallas County Council of Republican Women Treasurer, TFRW 2017 Convention Treasurer, Attended RPT State Convention 2018

LHRW President, 2nd two-year term

2018

2018 Elected to 1st term as SREC SD16 at June 2018 Convention. Served on Legislative Priorities Committee. This SREC Committee was focused on the 8 Legislative Priorities passed at the 2018 Republican Party of Texas State Convention in San Antonio, my 6th Convention. Each Sub-Committee tracked bills from filing to final disposition in the 86th Legislative Session and I was Chair of our Sub-Committee "Abolish Abortion". I also served on the Party Organization Committee tasked with rewriting Employee Handbook ensuring the resolution of Party Employees acting as activists at the mike during the Convention to implement changes to our Party Platform. The Party Organization Committee also set out a plan to allocate \$100,000 to fund website implementation for all 254 County Parties. Also served on Engagement Committee, tasked with finding new methods of engaging communities within our own communities. Full attendance of all eight quarterly SREC meetings in the full two-year term 2018 - 2020.

Additional 2018 Activities: While continuing to work full time as a contract accountant for small businesses, I served as Precinct Chair for Precinct 2064, reaching out to inform not only precinct 2064 but residents of other precincts in my Lake Highlands Community. Launched DallasDecides2019, under Chairwoman Missy Shorey to bring information to Dallas residents of issues facing Dallas Police officers. Sounded the alarm regarding the 7 City-wide Town Hall meetings to weaponize with funding the Community Police Reform Board (CPRB) now known as Community Police Oversight Board (CPOB). Appearing at each of 7 Town Hall Meetings and speaking at Dallas City Council Meetings, we were successful in reducing the requested funding from \$1.5 million to \$375k. My goal was to engage the entire City of Dallas in supporting our Dallas Police rather than allow a group of very liberal and anti-police "Coalition Partners" to pressure the City Council into harassment of our police officers for not being "polite enough".

2019

Began working with the late Dallas County Republican Party Chairwoman Missy Shorey to expose the 'non-partisan' candidates of the 2019 Dallas City Council Election. Using DallasDecides2019, we documented issues affecting Dallas residents and devised a candidate ranking system of liberal to conservative beginning with exposure of their well-documented voting records of Democrat and Republican primaries. Answered questions of thousands of voters who were always asking "For whom should I vote? There are no Rs or Ds." Unfortunately, when Missy passed away unexpectedly, her successor immediately shut down many of our attempts to become more active in Dallas County elections. We began recruiting precinct chairs to fill vacancies

and/or working with existing precinct chairs to become more active. Met with groups to show the way to getting involved. Campaigned for several Dallas City Council Candidates. Serving in Central Count as a watcher, I worked until 2am sometimes after completing my 15 hour day as an election judge.

2020

Covid shutdowns changed everything. I was very involved in Primary Election, serving as Election Judge. Served as a watcher in Central Count during March Primary election observing the flipping of flash drives from two separate locations, proving the existence of parallel Central Count and the compromising of live election votes. Spoke in an open Commissioner's Court meeting. Attended Precinct Convention, served on SD 16 Nominations Committee and attended SD16 Convention. Attended Virtual 2020 Republican Party of Texas Convention and re-elected to 2nd SREC term unopposed. We also elected a new RPT Chairman Allen West and I was extremely proud that he appointed me as Chair of the Party Organization Committee and also as a member of the very influential Officials Committee which serves the Party Chair as an interim committee to address all issues which cannot wait until a quarterly meeting. I have not yet missed a quarterly SREC meeting in 3 years. One of the highlights of 2020 was being awarded the prestigious Conservative Leadership Award by Texas Scorecard. What an amazing honor!

2021

Following the disastrous November 2020 election, I served on the Legislative Priorities Election Integrity Committee. In the 87th Legislative Session, we watched our Heartbeat Bill pass, the strongest pro-life legislation ever passed in Texas, saving thousands of innocent lives. Constitutional Carry finally was passed. No prohibition of Gender Modification Surgery was passed, which was extremely disappointing. We immediately began implementing a plan for recruiting Dallas City Council candidates and began interviewing candidates in various homes scattered in North Dallas. We were able to field a slate of 11 Republican candidates in 9 City Council Districts, and we could have flipped the majority from very liberal, very anti-police to a moderate/conservative slate of Republicans. We were unable to increase our usually dismal municipal election voter turnout. Again while working as a contract Accountant and being Precinct Chair for 2064 and "ghost-chairing" Precinct 2063, I was also serving as a member of the Precinct Chair Vacancy Committee, and we have sworn in over 130 new precinct chairs while I have been serving on this committee. Upon the resignation of Rodney Anderson, on July 29, we elected a new County Chairwoman, Jennifer Stoddard Hajdu. What a breath of fresh air! She immediately began the task of liquidating a \$60,000 debt and reaching out to raise enough funds to keep the lights on and the rent paid. She promptly hired me as her Executive Director, and I retired from my past life as a Contract Accountant to take the position, knowing the huge undertaking we were about to begin. After I took a short vacation recuperating from 5 days in the ER at Medical City Hospital with covid and 5 days of homestay, Jennifer and I began the task of rebuilding the Dallas County Republican Party. My voice in Dallas County as SREC for SD 16 suddenly quadrupled! My role as SREC Party Organization Chair has served us well, as my primary goal was to establish a credible website presence for all County Republican Party organizations throughout the entire State of Texas. Dallas County Republican Party was not only ineffective, outdated and woefully embarrassing for a County Party of our size, but there was no information on it and even our list of precinct chairs was incorrect. My collaboration with fellow precinct

chair and 2020 convention delegate Bill Anderton began in September. I knew the BEST! We often met via telephone when I returned home in the evenings from the DCRP HQ and worked sometimes into the wee hours of the morning. We call him our master webmaster and Bill has worked tirelessly with us to now reach more than 44,000 Dallas County Republicans every month! His contribution is vast and he does it for the cause! We now have a world-class website valued at tens of thousands of dollars and we can never repay his service to the Party! Thank you so very much, Bill! You are truly our hero!

2022

Each and every day at Dallas County Republican Party, my role as SREC for SD-16 is in full swing and has guided me in implementing much change and we have now implemented many resources for our invaluable precinct chairs, who previously had no training, no data, no support, and no encouragement from our previous party leadership. We encourage vice-chairs to work in tandem with our precinct chairs, organizing precinct chairs within City Council Districts, all with the same goal: to reach our grassroots and get out the vote in Dallas County! Chair Jennifer Hajdu serves the cause; she and I are in the office every weekday. It is hard to imagine a more active and wonderful person with whom to work, an accomplished attorney focused on the same goal: to get Republicans elected in Dallas County! Jennifer works tirelessly for our Republican Party and always has a positive and happy outlook for Dallas County! We are often holding training classes at our Party HQ on many Saturdays. Since January, we began a method of vetting, training, and scheduling our election Judges and clerks to ensure that all election workers were assigned in our March 1st Joint Primary, our May 7 Joint election, our May 24 Primary Runoff, and our upcoming June 18 School Board/Municipal Runoff. We are training new election workers every month and we will be ready for the upcoming November 1st Election! Our volunteers are heroes in our eyes and many have shown up to help us gather and enter data, answer the phone, etc. There is so much positive energy coming at us! The structure so lacking in Dallas County for many years is now taking place. People every day are learning that we get the government in which we participate! When we understand what the other side is doing when we are not paying attention, it makes us work all the harder to turn this ship around in Dallas County. I have never worked so hard or enjoyed what we are doing more! I am so grateful to Chair Jennifer Hajdu for giving me the opportunity to make a difference in Dallas County! Come and join us! I humbly ask for your support and your vote at the 2022 RPT Convention in Houston on June 16-18! Keep this unbelievable momentum going!

VISION STATEMENT

Working all day, every day, for SD-16 to take back Dallas County.

FIRST NAME

LAST NAME

YOUR EMAIL

What is $7 + 5$?

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LATEST UPDATES

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There are no upcoming calendar events.



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Website created by Susan Fountain



1 AN ACT

2 relating to election integrity and security, including by

3 preventing fraud in the conduct of elections in this state;

4 increasing criminal penalties; creating criminal offenses.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 ARTICLE 1. GENERAL PROVISIONS

7 SECTION 1.01. SHORT TITLE. This Act may be cited as the

8 Election Integrity Protection Act of 2021.

9 SECTION 1.02. PURPOSE. The purpose of this Act is to

10 exercise the legislature's constitutional authority under Section

11 4, Article VI, Texas Constitution, to make all laws necessary to

12 detect and punish fraud.

13 SECTION 1.03. FINDINGS. The legislature finds that:

14 (1) full, free, and fair elections are the

15 underpinnings of a stable constitutional democracy;

16 (2) fraud in elections threatens the stability of a

17 constitutional democracy by undermining public confidence in the

18 legitimacy of public officers chosen by election;

19 (3) reforms are needed to the election laws of this

20 state to ensure that fraud does not undermine the public confidence

21 in the electoral process;

22 (4) the reforms to the election laws of this state made

23 by this Act are not intended to impair the right of free suffrage

24 guaranteed to the people of Texas by the United States and Texas

S.B. No. 1

1 Constitutions, but are enacted solely to prevent fraud in the
2 electoral process and ensure that all legally cast ballots are
3 counted. Integral to the right to vote is the assurance of voter
4 access and the right for all votes legally cast to be counted;

5 (5) additionally, preventing a valid vote from being
6 counted violates the basic constitutional rights guaranteed to each
7 citizen by the United States Constitution; and

8 (6) providing for voter access and increasing the
9 stability of a constitutional democracy ensures public confidence
10 in the legitimacy of public officers chosen by election.

11 SECTION 1.04. Chapter 1, Election Code, is amended by
12 adding Section 1.0015 to read as follows:

13 Sec. 1.0015. LEGISLATIVE INTENT. It is the intent of the
14 legislature that the application of this code and the conduct of
15 elections be uniform and consistent throughout this state to reduce
16 the likelihood of fraud in the conduct of elections, protect the
17 secrecy of the ballot, promote voter access, and ensure that all
18 legally cast ballots are counted.

19 SECTION 1.05. Section 1.003, Election Code, is amended by
20 adding Subsection (a-1) to read as follows:

21 (a-1) Election officials and other public officials shall
22 strictly construe the provisions of this code to effect the intent
23 of the legislature under Section 1.0015.

24 SECTION 1.06. Section 1.005, Election Code, is amended by
25 amending Subdivision (4-a) and adding Subdivision (4-b) to read as
26 follows:

27 (4-a) "Election official" means:

S.B. No. 1

- 1 (A) a county clerk;
- 2 (B) a permanent or temporary deputy county clerk;
- 3 (C) an elections administrator;
- 4 (D) a permanent or temporary employee of an
5 elections administrator;
- 6 (E) an election judge;
- 7 (F) an alternate election judge;
- 8 (G) an early voting clerk;
- 9 (H) a deputy early voting clerk;
- 10 (I) an election clerk;
- 11 (J) the presiding judge of an early voting ballot
12 board;
- 13 (K) the alternate presiding judge of an early
14 voting ballot board;
- 15 (L) a member of an early voting ballot board;
- 16 (M) the chair of a signature verification
17 committee;
- 18 (N) the vice chair of a signature verification
19 committee;
- 20 (O) a member of a signature verification
21 committee;
- 22 (P) the presiding judge of a central counting
23 station;
- 24 (Q) the alternate presiding judge of a central
25 counting station;
- 26 (R) a central counting station manager;
- 27 (S) a central counting station clerk;

S.B. No. 1

1 (T) a tabulation supervisor;
2 (U) an assistant to a tabulation supervisor; and
3 (V) a chair of a county political party holding a
4 primary election or a runoff primary election.

5 (4-b) "Federal judge" means:

6 (A) a judge, former judge, or retired judge of a
7 United States court of appeals;

8 (B) a judge, former judge, or retired judge of a
9 United States district court;

10 (C) a judge, former judge, or retired judge of a
11 United States bankruptcy court; or

12 (D) a magistrate judge, former magistrate judge,
13 or retired magistrate judge of a United States district court.

14 SECTION 1.07. Section 1.018, Election Code, is amended to
15 read as follows:

16 Sec. 1.018. APPLICABILITY OF PENAL CODE. In addition to
17 Section 1.03, Penal Code, and to other titles of the Penal Code that
18 may apply to this code, Titles 2 and [Title] 4, Penal Code, apply
19 [applies] to offenses prescribed by this code.

20 SECTION 1.08. Chapter 1, Election Code, is amended by
21 adding Section 1.022 to read as follows:

22 Sec. 1.022. REASONABLE ACCOMMODATION OR MODIFICATION. A
23 provision of this code may not be interpreted to prohibit or limit
24 the right of a qualified individual with a disability from
25 requesting a reasonable accommodation or modification to any
26 election standard, practice, or procedure mandated by law or rule
27 that the individual is entitled to request under federal or state

S.B. No. 1

1 law.

2 ARTICLE 2. REGISTRATION OF VOTERS

3 SECTION 2.01. Section 13.002, Election Code, is amended by
4 adding Subsection (c-1) to read as follows:

5 (c-1) The information required under Subsections (c)(3),
6 (4), (5), (6), and (8) must be supplied by the person desiring to
7 register to vote.

8 SECTION 2.02. Section 13.007, Election Code, is amended to
9 read as follows:

10 Sec. 13.007. FALSE STATEMENT ON APPLICATION. (a) A person
11 commits an offense if the person knowingly or intentionally:

12 (1) makes a false statement; or

13 (2) requests, commands, coerces, or attempts to induce
14 another person to make a false statement on a registration
15 application.

16 (b) An offense under this section is a Class A ~~[B]~~
17 misdemeanor, except that an offense under this section is a state
18 jail felony if the person:

19 (1) directly or through a third party offers or
20 provides compensation or other benefit to a person for activity
21 described by Subsection (a); or

22 (2) solicits, receives, or accepts compensation or
23 other benefit for an activity described by Subsection (a).

24 (c) If conduct that constitutes an offense under this
25 section also constitutes an offense under another law, the actor
26 may be prosecuted under this section, the other law, or both. ~~For~~
27 ~~purposes of this code, an offense under this section is considered~~

S.B. No. 1

1 ~~to be perjury, but may be prosecuted only under this section.]~~

2 SECTION 2.03. Section 15.021, Election Code, is amended by
3 amending Subsections (b) and (d) and adding Subsections (d-1) and
4 (d-2) to read as follows:

5 (b) Except as provided by Subsection (d), the ~~[The]~~ voter
6 shall use the registration certificate or a registration
7 application form as the notice, indicating the correct information
8 in the appropriate space on the certificate or application form
9 unless the voter does not have possession of the certificate or an
10 application form at the time of giving the notice.

11 (d) A voter ~~[who continues to reside in the county in which~~
12 ~~the voter is registered]~~ may correct information under this section
13 by digital transmission of the information under a program
14 administered by the secretary of state and the Department of
15 Information Resources.

16 (d-1) If the notice indicates that a voter no longer resides
17 in the county in which the voter is registered, the registrar shall
18 forward the notice and the voter's application for registration to
19 the registrar of the county in which the voter resides. The
20 registrars shall coordinate to ensure that the voter's existing
21 registration is canceled immediately after the voter is registered
22 in the county in which the voter resides in accordance with
23 Subsection (d-2).

24 (d-2) A registrar who receives a voter's notice and
25 application from another registrar under Subsection (d-1) shall
26 treat it as an original application for registration under Section
27 13.002, and shall register the voter if the voter resides in the

S.B. No. 1

1 county and is otherwise eligible under Section 13.001.

2 SECTION 2.04. Section 15.028, Election Code, is amended to
3 read as follows:

4 Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION ~~(TO~~
5 ~~PROSECUTOR]~~. ~~[(a)]~~ If the registrar determines that a person who
6 is not eligible to vote registered to vote or [a registered voter]
7 voted in an election, the registrar shall, within 72 hours not
8 including weekends after making the determination, execute and
9 deliver to the attorney general, the secretary of state, and the
10 county or district attorney having jurisdiction in the territory
11 covered by the election an affidavit stating the relevant facts.

12 ~~[(b) If the election covers territory in more than one~~
13 ~~county, the registrar shall also deliver an affidavit to the~~
14 ~~attorney general.]~~

15 SECTION 2.05. Section 16.0332, Election Code, is amended
16 by amending Subsection (a) and adding Subsections (a-1), (d), and
17 (e) to read as follows:

18 (a) After the registrar receives notification ~~[a list]~~
19 under Subsection (a-1) of this section, Section 18.068 of this
20 code, or Section 62.113, Government Code, of persons excused or
21 disqualified from jury service because of citizenship status or
22 notification of persons who indicate a lack of citizenship status
23 in connection with a motor vehicle or Department of Public Safety
24 record as provided by Subsection (a-1), the registrar shall deliver
25 to each registered voter whose name appears on the list a written
26 notice requiring the voter to submit to the registrar proof of
27 United States citizenship in the form of a certified copy of the

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1 voter's birth certificate, United States passport, or certificate
2 of naturalization or any other form prescribed by the secretary of
3 state. The notice shall be delivered by forwardable mail to the
4 mailing address on the voter's registration application and to any
5 new address of the voter known to the registrar.

6 (a-1) The secretary of state shall enter into an agreement
7 with the Department of Public Safety under which information in the
8 existing statewide computerized voter registration list is
9 compared against information in the database of the Department of
10 Public Safety on a monthly basis to verify the accuracy of
11 citizenship status information previously provided on voter
12 registration applications. In comparing information under this
13 subsection, the secretary of state shall consider only a voter's
14 information in the database of the Department of Public Safety that
15 was derived from documents presented by the voter to the department
16 after the person's current voter registration became effective, and
17 may not consider information derived from documents presented by
18 the voter to the department before the person's current voter
19 registration became effective.

20 (d) The secretary of state shall prescribe rules for the
21 administration of this section.

22 (e) Not later than December 31 of each year, the secretary
23 of state shall provide a report to the legislature of the number of
24 voter registrations canceled under this section during the calendar
25 year.

26 SECTION 2.06. Section 18.065, Election Code, is amended by
27 adding Subsections (e), (f), (g), (h), and (i) to read as follows:

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1 (e) If the secretary of state determines that a voter
2 registrar is not in substantial compliance with a requirement
3 imposed on the registrar by a provision or rule described in
4 Subsection (a), the secretary of state shall:

5 (1) for the first violation, require the registrar to
6 attend a training course under Subsection (h);

7 (2) for the second violation, audit the voter
8 registration list for the county in which the registrar serves to
9 determine the actions needed to achieve substantial compliance
10 under Subsection (a) and provide the results of the audit to the
11 registrar; or

12 (3) for a third or subsequent violation, if the
13 secretary of state determines that the registrar has not performed
14 any overt actions in pursuance of compliance with the actions
15 identified under Subdivision (2) as necessary for the registrar to
16 achieve substantial compliance under Subsection (a) within 14 days
17 of receiving the results of the audit conducted under that
18 subsection, inform the attorney general that the county which the
19 registrar serves may be subject to a civil penalty under Subsection
20 (f).

21 (f) A county is liable to this state for a civil penalty of
22 \$1,000 for each day after the 14th day following the receipt of the
23 results of the audit conducted under Subsection (e)(2) that the
24 county's voter registrar fails to take overt action to comply with
25 the actions identified under that subsection as necessary for the
26 registrar to achieve substantial compliance under Subsection (a).
27 The attorney general may bring an action to recover a civil penalty

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1 imposed under this section.

2 (g) A civil penalty collected by the attorney general under
3 this section shall be deposited in the state treasury to the credit
4 of the general revenue fund.

5 (h) The secretary of state shall develop and implement a
6 training course for registrars on substantial compliance with
7 Sections 15.083, 16.032, and 18.061 and with rules implementing the
8 statewide computerized voter registration list.

9 (i) The secretary of state shall adopt rules and prescribe
10 procedures for the implementation of this section.

11 SECTION 2.07. Section 18.068, Election Code, is amended by
12 amending Subsection (a) and adding Subsection (a-1) to read as
13 follows:

14 (a) The secretary of state shall quarterly compare the
15 information received under Section 16.001 of this code and Sections
16 [Section] 62.113 and 62.114, Government Code, to the statewide
17 computerized voter registration list. If the secretary determines
18 that a voter on the registration list is deceased or has been
19 excused or disqualified from jury service because the voter is not a
20 citizen or a resident of the county in which the voter is registered
21 to vote, the secretary shall send notice of the determination
22 to the voter registrar of the counties considered appropriate by
23 the secretary.

24 (a-1) The secretary of state is not required to send notice
25 under Subsection (a) for a voter who is subject to an exemption from
26 jury service under Section 62.106, Government Code, if that
27 exemption is the only reason the voter is excused from jury service.

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1 SECTION 2.08. Section 31.006, Election Code, is amended to
2 read as follows:

3 Sec. 31.006. REFERRAL [~~OF COMPLAINT~~] TO ATTORNEY GENERAL.

4 (a) If, after receiving or discovering information indicating that
5 ~~[a complaint alleging]~~ criminal conduct in connection with an
6 election has occurred, the secretary of state determines that there
7 is reasonable cause to suspect that ~~[the alleged]~~ criminal conduct
8 occurred, the secretary shall promptly refer the information
9 ~~[complaint]~~ to the attorney general. The secretary shall deliver
10 to the attorney general all pertinent documents and information in
11 the secretary's possession.

12 (b) The documents and information submitted under
13 Subsection (a) are not considered public information until:

14 (1) the secretary of state makes a determination that
15 the information ~~[complaint]~~ received does not warrant an
16 investigation; or

17 (2) if referred to the attorney general, the attorney
18 general has completed the investigation or has made a determination
19 that the information ~~[complaint]~~ referred does not warrant an
20 investigation.

21 SECTION 2.09. Subchapter B, Chapter 87, Election Code, is
22 amended by adding Section 87.028 to read as follows:

23 Sec. 87.028. ACCESS TO INFORMATION. (a) On request, a
24 county election official shall provide to a member of an early
25 voting ballot board all available information necessary to
26 fulfilling the functions of the board, including any information
27 from the statewide computerized voter registration list under

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1 Section 18.061.

2 (b) On request, a county election official shall provide to
3 a member of a signature verification committee all available
4 information necessary to fulfilling the functions of the committee,
5 including any information from the statewide computerized voter
6 registration list under Section 18.061.

7 (c) The secretary of state shall adopt rules as necessary to
8 prevent a member of an early voting ballot board or signature
9 verification committee from retaining or sharing personally
10 identifiable information from the statewide computerized voter
11 registration list under Section 18.061 obtained under this section
12 for any reason unrelated to the official's official duties.

13 SECTION 2.10. Section 62.113(b), Government Code, is
14 amended to read as follows:

15 (b) On the third business day of each month, the clerk shall
16 send a copy of the list of persons excused or disqualified because
17 of citizenship in the previous month to:

18 (1) the voter registrar of the county;

19 (2) the secretary of state; and

20 (3) the county or district attorney~~(, as applicable,)~~

21 for an investigation of whether the person committed an offense
22 under Section 13.007, Election Code, or other law.

23 SECTION 2.11. Sections 62.114(b) and (c), Government Code,
24 are amended to read as follows:

25 (b) On the third business day of each month, the clerk shall
26 send ~~[to the voter registrar of the county]~~ a copy of the list of
27 persons excused or disqualified in the previous month because the

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1 persons do not reside in the county to:

2 (1) the voter registrar of the county; and

3 (2) the secretary of state.

4 (c) A list compiled under this section may not be used for a
5 purpose other than a purpose described by Subsection (b) or Section
6 15.081 or 18.068, Election Code.

7 ARTICLE 3. CONDUCT AND SECURITY OF ELECTIONS

8 SECTION 3.01. Section 2.053(a), Election Code, is amended
9 to read as follows:

10 (a) On receipt of the certification, the governing body of
11 the political subdivision by order or ordinance shall ~~[may]~~ declare
12 each unopposed candidate elected to the office. If no election is
13 to be held on election day by the political subdivision, a copy of
14 the order or ordinance shall be posted on election day at each
15 polling place used or that would have been used in the election.

16 SECTION 3.02. Section 2.056(c), Election Code, is amended
17 to read as follows:

18 (c) A certifying authority shall ~~[may]~~ declare a candidate
19 elected to an office of the state or county government if, were the
20 election held, only the votes cast for that candidate in the
21 election for that office may be counted.

22 SECTION 3.03. Sections 43.007(c) and (d), Election Code,
23 are amended to read as follows:

24 (c) In conducting the program, the secretary of state shall
25 provide for an audit of the voting system equipment ~~[direct~~
26 ~~recording electronic voting units]~~ before and after the election,
27 and during the election to the extent such an audit is practicable.

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1 (d) The secretary of state shall select to participate in
2 the program each county that:

3 (1) has held a public hearing under Subsection (b);

4 (2) has submitted documentation listing the steps
5 taken to solicit input on participating in the program by
6 organizations or persons who represent the interests of voters;

7 (3) has implemented a computerized voter registration
8 list that allows an election officer at the polling place to verify
9 that a voter has not previously voted in the election;

10 (4) uses direct recording electronic voting machines,
11 ballot marking devices, or hand-marked scannable paper ballots that
12 are printed and scanned at the polling place or any other type of
13 voting system equipment that the secretary of state determines is
14 capable of processing votes for each type of ballot to be voted in
15 the county; and

16 (5) is determined by the secretary of state to have the
17 appropriate technological capabilities.

18 SECTION 3.04. Section 43.031(b), Election Code, is amended
19 to read as follows:

20 (b) Each polling place shall be located inside a building.
21 No voter may cast a vote from inside a motor vehicle unless the
22 voter meets the requirements of Section 64.009.

23 SECTION 3.05. Section 52.092(a), Election Code, is amended
24 to read as follows:

25 (a) Except as provided by Section 2.053(c) or 2.056(e), for
26 ~~For~~ an election at which offices regularly filled at the general
27 election for state and county officers are to appear on the ballot,

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1 the offices shall be listed in the following order:

2 (1) offices of the federal government;

3 (2) offices of the state government:

4 (A) statewide offices;

5 (B) district offices;

6 (3) offices of the county government:

7 (A) county offices;

8 (B) precinct offices.

9 SECTION 3.06. Section 61.002, Election Code, is amended to
10 read as follows:

11 Sec. 61.002. OPENING AND CLOSING POLLING PLACE FOR VOTING.

12 (a) Immediately before opening the polls for voting on the first
13 day of early voting and on election day, the presiding election
14 judge or alternate election judge shall confirm that each voting
15 machine has any public counter reset to zero and shall print the
16 tape that shows the counter was set to zero for each candidate or
17 measure on the ballot.

18 (b) At the official time for opening the polls for voting,
19 an election officer shall open the polling place entrance and admit
20 the voters.

21 (c) Immediately after closing the polls for voting on
22 election day, the presiding election judge or alternate election
23 judge shall print the tape to show the number of votes cast for each
24 candidate or ballot measure for each voting machine.

25 (d) Each election judge or alternate election judge present
26 shall sign a tape printed under this section.

27 SECTION 3.07. Section 64.007(c), Election Code, is amended

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1 to read as follows:

2 (c) An election officer shall maintain a register of spoiled
3 ballots at the polling place. An election officer shall enter on
4 the register the name of each voter who returns a spoiled ballot and
5 the spoiled ballot's number. The secretary of state shall create
6 and promulgate a form to be used for this purpose.

7 SECTION 3.08. Subchapter A, Chapter 66, Election Code, is
8 amended by adding Section 66.004 to read as follows:

9 Sec. 66.004. POLLING PLACE CHECKLISTS. The secretary of
10 state shall adopt rules and create a checklist or similar
11 guidelines to assist the presiding judge of a polling place in
12 processing forms and conducting procedures required by this code at
13 the opening and closing of the polling place.

14 SECTION 3.09. Section 85.005, Election Code, is amended to
15 read as follows:

16 Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Except
17 as provided by Subsection (c), in an election in which a county
18 clerk ~~[or city secretary]~~ is the early voting clerk under Section
19 83.002 ~~[or 83.005]~~, early voting by personal appearance at the main
20 early voting polling place shall be conducted on each weekday of
21 ~~[the weekdays of]~~ the early voting period that is not a legal state
22 holiday and for a period of at least nine hours, except that voting
23 may not be conducted earlier than 6 a.m. or later than 10 p.m.
24 ~~[during the hours that the county clerk's or city secretary's main~~
25 ~~business office is regularly open for business.]~~

26 (b) In an election to which Subsection (a) does not apply,
27 early voting by personal appearance at the main early voting

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1 polling place shall be conducted at least nine [~~eight~~] hours each
2 weekday of the early voting period that is not a legal state holiday
3 unless the territory covered by the election has fewer than 1,000
4 registered voters. In that case, the voting shall be conducted at
5 least four [~~three~~] hours each day. The authority ordering the
6 election, or the county clerk if that person is the early voting
7 clerk, shall determine which hours the voting is to be conducted.

8 (c) In a county with a population of 55,000 [~~100,000~~] or
9 more, the voting in a primary election or the general election for
10 state and county officers shall be conducted at the main early
11 voting polling place for at least 12 hours on each weekday of the
12 last week of the early voting period, and the voting in a special
13 election ordered by the governor shall be conducted at the main
14 early voting polling place for at least 12 hours on each of the last
15 two days of the early voting period. Voting under this subsection
16 may not be conducted earlier than 6 a.m. or later than 10 p.m.
17 Voting shall be conducted in accordance with this subsection in
18 those elections in a county with a population under 55,000
19 [~~100,000~~] on receipt by the early voting clerk of a written request
20 for the extended hours submitted by at least 15 registered voters of
21 the county. The request must be submitted in time to enable
22 compliance with Section 85.067.

23 (d) A voter who has not voted before the scheduled time for
24 closing a polling place is entitled to vote after that time if the
25 voter is in line at the polling place by closing time. The
26 secretary of state shall promulgate any materials and provide any
27 training to presiding judges necessary to properly process voters

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1 under this subsection ~~[In an election ordered by a city, early~~
2 ~~voting by personal appearance at the main early voting polling~~
3 ~~place shall be conducted for at least 12 hours.~~

4 ~~[(1) on one weekday, if the early voting period~~
5 ~~consists of less than six weekdays, or~~

6 ~~[(2) on two weekdays, if the early voting period~~
7 ~~consists of six or more weekdays].~~

8 SECTION 3.10. Sections 85.006(b) and (e), Election Code,
9 are amended to read as follows:

10 (b) In an election in which a county clerk ~~[or city~~
11 ~~secretary]~~ is the early voting clerk under Section 83.002 ~~[or~~
12 ~~83.005]~~, only the early voting clerk may order voting on a Saturday
13 or Sunday. The clerk must do so by written order.

14 (e) In a primary election or the general election for state
15 and county officers in a county with a population of 55,000
16 ~~[100,000]~~ or more, the early voting clerk shall order voting by
17 personal appearance ~~[voting]~~ at the main early voting polling place
18 to be conducted on the last Saturday of the early voting period for
19 at least 12 hours, except that voting may not be conducted earlier
20 than 6 a.m. or later than 10 p.m., ~~[on the last Saturday]~~ and on the
21 last Sunday of the early voting period for at least six ~~[five]~~
22 hours, except that voting may not be conducted earlier than 9 a.m.
23 or later than 10 p.m. ~~[on the last Sunday of the early voting~~
24 ~~period]~~. The early voting clerk shall order voting to be conducted
25 at those times in those elections in a county with a population
26 under 55,000 ~~[100,000]~~ on receipt of a written request for those
27 hours submitted by at least 15 registered voters of the county. The

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1 request must be submitted in time to enable compliance with Section
2 85.007. This subsection supersedes any provision of this
3 subchapter to the extent of any conflict.

4 SECTION 3.11. Section 85.010(a-1), Election Code, is
5 amended to read as follows:

6 (a-1) In this section, "eligible county polling place"
7 means an early voting polling place~~[, other than a polling place~~
8 ~~established under Section 85.062(e),]~~ established by a county.

9 SECTION 3.12. Section 85.061(a), Election Code, is amended
10 to read as follows:

11 (a) In a countywide election in which the county clerk is
12 the early voting clerk under Section 83.002, an early voting
13 polling place shall be located inside ~~[at]~~ each branch office that
14 is regularly maintained for conducting general clerical functions
15 of the county clerk, except as provided by Subsection (b). If a
16 suitable room is unavailable inside the branch office, the polling
17 place may be located in another room inside the same building as the
18 branch office.

19 SECTION 3.13. Section 85.062, Election Code, is amended by
20 amending Subsection (b) and adding Subsection (f-1) to read as
21 follows:

22 (b) A polling place established under this section may be
23 located, subject to Subsection (d), at any place in the territory
24 served by the early voting clerk and may be located inside ~~[in]~~ any
25 building ~~[stationary structure]~~ as directed by the authority
26 establishing the branch office. The polling place may not be
27 located in a movable structure in the general election for state and

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1 county officers, general primary election, or runoff primary
 2 election. Ropes or other suitable objects may be used at the
 3 polling place to ensure compliance with Section 62.004. Persons
 4 who are not expressly permitted by law to be in a polling place
 5 shall be excluded from the polling place to the extent practicable.

6 (f-1) Notwithstanding any other provision of this section
 7 concerning the location of temporary branch polling places, in an
 8 election in which countywide polling places are used, the
 9 commissioners court of a county shall employ the same methodology
 10 it uses to determine the location of countywide polling places to
 11 determine the location of temporary branch polling places.

12 SECTION 3.14. Section 87.002, Election Code, is amended to
 13 read as follows:

14 Sec. 87.002. COMPOSITION OF BOARD. (a) The early voting
 15 ballot board consists of a presiding judge, an alternate presiding
 16 judge, and at least one [two] other member [members].

17 (b) Except as provided by Subsection (d), the presiding
 18 judge and the alternate presiding judge are [is] appointed in the
 19 same manner as a presiding election judge and alternate presiding
 20 election judge, respectively. Except as provided by Subsection
 21 (c), each [the] other member is [members are] appointed by the
 22 presiding judge in the same manner as the precinct election clerks.

23 (c) In the general election for state and county officers,
 24 each county chair of a political party with nominees on the general
 25 election ballot shall submit to the county election board a list of
 26 names of persons eligible to serve on the early voting ballot board
 27 in order of the county chair's preference. The county election

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1 board shall appoint at least one person from each list to serve as a
2 member of the early voting ballot board. The same number of members
3 must be appointed from each list. The county election board shall
4 appoint persons as members of the early voting ballot board in the
5 order of preference indicated on each list.

6 (d) In addition to the members appointed under Subsection
7 (c), the county election board shall appoint as the presiding judge
8 the highest-ranked person on [from] the list provided under that
9 subsection by the political party whose nominee for governor
10 received the most votes in the county in the most recent
11 gubernatorial general election and as the alternate presiding judge
12 the highest-ranked person on the list provided under that
13 subsection by the political party whose nominee for governor
14 received the second most votes in the county in the most recent
15 gubernatorial general election.

16 SECTION 3.15. Section 124.002, Election Code, is amended by
17 adding Subsection (c) to read as follows:

18 (c) Voting system ballots may not be arranged in a manner
19 that allows a political party's candidates to be selected in one
20 motion or gesture.

21 SECTION 3.16. Sections 127.006(a) and (c), Election Code,
22 are amended to read as follows:

23 (a) The [Both the] manager, [and] the presiding judge, and
24 the alternate presiding judge may appoint clerks to serve at the
25 central counting station.

26 (c) A clerk appointed by the manager serves under the
27 manager and shall perform the functions directed by the manager. A

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1 clerk appointed by the presiding judge or the alternate presiding
 2 judge serves under the presiding judge and shall perform the
 3 functions directed by the presiding judge.

4 SECTION 3.17. Subchapter A, Chapter 127, Election Code, is
 5 amended by adding Section 127.009 to read as follows:

6 Sec. 127.009. ELECTRONIC DEVICES IN CENTRAL COUNTING
 7 STATION. (a) A counting station manager and the presiding judge of
 8 the counting station shall develop a protocol under which any
 9 electronic device inside a central counting station that is
 10 necessary to count votes is equipped with software that tracks all
 11 input and activity on the electronic device.

12 (b) The counting station manager and the presiding judge of
 13 the counting station shall ensure that the input and activity
 14 tracked by the software is delivered to the secretary of state not
 15 later than the fifth day after vote counting is complete.

16 (c) This section applies only to a central counting station
 17 located in a county with a population of 250,000 or more.

18 SECTION 3.18. Section 127.1232, Election Code, is amended
 19 to read as follows:

20 Sec. 127.1232. SECURITY OF VOTED BALLOTS. (a) The general
 21 custodian of election records shall post a licensed peace officer
 22 [guard] to ensure the security of ballot boxes containing voted
 23 ballots throughout the period of tabulation at the central counting
 24 station.

25 (b) The general custodian of election records in a county
 26 with a population of 100,000 or more shall implement a video
 27 surveillance system that retains a record of all areas containing

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1 voted ballots:

2 (1) from the time the voted ballots are delivered to
3 the central counting station until the canvass of precinct election
4 returns; and

5 (2) from the time the voted ballots are delivered to
6 the signature verification committee or early voting ballot board
7 until the canvass of precinct election returns.

8 (c) A video from a system implemented under Subsection (b)
9 shall be made available to the public by a livestream.

10 (d) The video recorded is an election record under Section
11 1.012 and shall be retained by the general custodian of election
12 records until the end of the calendar year in which an election is
13 held or until an election contest filed in the county has been
14 resolved, whichever is later.

15 SECTION 3.19. Chapter 127, Election Code, as effective
16 September 1, 2021, is amended by adding Subchapter J to read as
17 follows:

18 SUBCHAPTER J. RANDOMIZED AUDITS

19 Sec. 127.351. RANDOMIZED COUNTY AUDITS. (a) Immediately
20 after the uniform election date in November of an even-numbered
21 year, the secretary of state shall conduct an audit of the elections
22 held in four counties during the previous two years.

23 (b) The secretary of state shall select the counties to be
24 audited under Subsection (a) at random, except that:

25 (1) two of the counties selected must have a total
26 population of less than 300,000;

27 (2) two of the counties selected must have a total

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1 population of 300,000 or more; and

2 (3) a county selected in the most recent audit cycle
3 may not be selected in the current audit cycle.

4 (c) A county selected to be audited may not pay the cost of
5 performing an audit under this section.

6 (d) The secretary of state shall adopt rules as necessary to
7 implement this section.

8 ARTICLE 4. ELECTION OFFICERS AND OBSERVERS

9 SECTION 4.01. Section 32.075, Election Code, is amended by
10 adding Subsections (g) and (h) to read as follows:

11 (g) A presiding judge may not have a watcher duly accepted
12 for service under Subchapter A, Chapter 33, removed from the
13 polling place for violating a provision of this code or any other
14 provision of law relating to the conduct of elections, other than a
15 violation of the Penal Code, unless the violation was observed by an
16 election judge or clerk.

17 (h) Notwithstanding Subsection (g), a presiding judge may
18 call a law enforcement officer to request that a poll watcher be
19 removed if the poll watcher commits a breach of the peace or a
20 violation of law.

21 SECTION 4.02. Subchapter A, Chapter 33, Election Code, is
22 amended by adding Section 33.0015 to read as follows:

23 Sec. 33.0015. CHAPTER PURPOSE AND WATCHER DUTY. The
24 purpose of this chapter is to preserve the integrity of the ballot
25 box in accordance with Section 4, Article VI, Texas Constitution,
26 by providing for the appointment of watchers. It is the intent of
27 the legislature that watchers duly accepted for service under this

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1 chapter be allowed to observe and report on irregularities in the
2 conduct of any election, but may not interfere in the orderly
3 conduct of an election. To effect that purpose, a watcher appointed
4 under this chapter shall observe without obstructing the conduct of
5 an election and call to the attention of an election officer any
6 observed or suspected irregularity or violation of law in the
7 conduct of the election.

8 SECTION 4.03. Subchapter A, Chapter 33, Election Code, is
9 amended by adding Section 33.0016 to read as follows:

10 Sec. 33.0016. REFERENCES TO EARLY VOTING BALLOT BOARD IN
11 THIS CHAPTER. A reference in this chapter to an early voting ballot
12 board includes a signature verification committee.

13 SECTION 4.04. Subchapter A, Chapter 33, Election Code, is
14 amended by adding Section 33.008 to read as follows:

15 Sec. 33.008. TRAINING PROGRAM. The secretary of state
16 shall develop and maintain a training program for watchers. The
17 training program must:

18 (1) be available:

19 (A) entirely via the Internet; and

20 (B) at any time, without a requirement for prior
21 registration; and

22 (2) provide a watcher who completes the training with
23 a certificate of completion.

24 SECTION 4.05. Section 33.031, Election Code, is amended by
25 adding Subsection (b) to read as follows:

26 (b) In addition to the requirements of Subsection (a), to be
27 eligible to serve as a watcher, a person must complete training

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1 under Section 33.008.

2 SECTION 4.06. Section 33.051, Election Code, is amended by
3 amending Subsections (a), (b), (d), and (e) and adding Subsections
4 (a-1), (g), and (h) to read as follows:

5 (a) A watcher appointed to serve at a precinct polling
6 place, a meeting place for an early voting ballot board, or a
7 central counting station must deliver the following materials [~~a~~
8 ~~certificate of appointment~~] to the presiding judge at the time the
9 watcher reports for service:

10 (1) a certificate of appointment; and

11 (2) a certificate of completion from training
12 completed by the watcher under Section 33.008.

13 (a-1) A watcher appointed to serve at an early voting
14 polling place must deliver the certificates under Subsection (a) [~~a~~
15 ~~certificate of appointment~~] to the early voting clerk or deputy
16 clerk in charge of the polling place when the watcher first reports
17 for service.

18 (b) The officer presented with a watcher's certificates
19 [~~certificate of appointment~~] shall require the watcher to
20 countersign the certificate of appointment to ensure that the
21 watcher is the same person who signed the certificate of
22 appointment. Except as provided by Subsection (c), a watcher who
23 presents himself or herself at the proper time with the
24 certificates required under Subsection (a) [~~a certificate of~~
25 ~~appointment~~] shall be accepted for service unless the person is
26 ineligible to serve or the number of appointees to which the
27 appointing authority is entitled have already been accepted.

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1 (d) The certificates [~~certificate~~] of a watcher serving at
 2 an early voting polling place shall be retained at the polling place
 3 until voting at the polling place is concluded. At each subsequent
 4 time that the watcher reports for service, the watcher shall inform
 5 the clerk or deputy in charge. The officer may require the watcher
 6 to sign the watcher's name in the officer's presence, for comparison
 7 with the signature on the certificate of appointment, if the
 8 officer is uncertain of the watcher's identity.

9 (e) If a watcher is not accepted for service, the
 10 certificates [~~certificate of appointment~~] shall be returned to the
 11 watcher with a signed statement of the reason for the rejection.

12 (g) An election officer commits an offense if the officer
 13 intentionally or knowingly refuses to accept a watcher for service
 14 when acceptance of the watcher is required by this section. An
 15 offense under this subsection is a Class A misdemeanor.

16 (h) Before accepting a watcher, the officer presented with a
 17 watcher's certificate of appointment shall require the watcher to
 18 take the following oath, administered by the officer: "I swear (or
 19 affirm) that I will not disrupt the voting process or harass voters
 20 in the discharge of my duties."

21 SECTION 4.07. Section 33.056, Election Code, is amended by
 22 amending Subsection (a) and adding Subsections (e) and (f) to read
 23 as follows:

24 (a) Except as provided by Section 33.057, a watcher is
 25 entitled to observe any activity conducted at the location at which
 26 the watcher is serving. A watcher is entitled to sit or stand
 27 [~~conveniently~~] near enough to see and hear the election officers

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1 conducting the observed activity, except as otherwise prohibited by
2 this chapter.

3 (e) Except as provided by Section 33.057(b), a watcher may
4 not be denied free movement where election activity is occurring
5 within the location at which the watcher is serving.

6 (f) In this code, a watcher who is entitled to "observe" an
7 election activity is entitled to sit or stand near enough to see and
8 hear the activity.

9 SECTION 4.08. Subchapter C, Chapter 33, Election Code, is
10 amended by adding Section 33.0605 to read as follows:

11 Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.

12 (a) A watcher appointed to serve at a polling place in an election
13 who is available at the time of the action may observe all election
14 activities relating to closing the polling place, including the
15 sealing and transfer of a memory card, flash drive, hard drive, data
16 storage device, or other medium now existing or later developed
17 used by the voting system equipment.

18 (b) Notwithstanding any other provision of this code, a
19 watcher duly accepted for service at a polling location is entitled
20 to follow the transfer of election materials from the polling place
21 at which the watcher was accepted to a regional tabulating center,
22 the central counting station, or any other location designated to
23 process election materials. The authority responsible for
24 administering a regional tabulating center or another location
25 where election materials are processed must accept duly appointed
26 watchers for service in the same manner a watcher is accepted for
27 service under Section 33.051 and must accept the same number of

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1 watchers that may serve under Section 33.007(a).

2 SECTION 4.09. Section 33.061(a), Election Code, is amended
3 to read as follows:

4 (a) A person commits an offense if the person serves in an
5 official capacity at a location at which the presence of watchers is
6 authorized and knowingly prevents a watcher from observing an
7 activity or procedure the person knows the watcher is entitled to
8 observe, including by taking any action to obstruct the view of a
9 watcher or distance the watcher from the activity or procedure to be
10 observed in a manner that would make observation not reasonably
11 effective.

12 SECTION 4.10. Subchapter C, Chapter 33, Election Code, is
13 amended by adding Section 33.063 to read as follows:

14 Sec. 33.063. RELIEF. The appointing authority for a
15 watcher who believes that the watcher was unlawfully prevented or
16 obstructed from the performance of the watcher's duties may seek:

17 (1) injunctive relief under Section 273.081,
18 including issuance of temporary orders;

19 (2) a writ of mandamus under Section 161.009 or
20 273.061; and

21 (3) any other remedy available under law.

22 SECTION 4.11. Section 34.005, Election Code, is amended to
23 read as follows:

24 Sec. 34.005. ACTION BY SECRETARY OF STATE. (a) The
25 secretary of state may refer a reported violation of law for
26 appropriate action to the attorney general, if the attorney general
27 has jurisdiction, or to a prosecuting attorney having jurisdiction.

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1 (b) If the secretary of state believes that a state
2 inspector was unlawfully prevented or obstructed from the
3 performance of the inspector's duties, the secretary of state may
4 seek:

5 (1) injunctive relief under Section 273.081,
6 including issuance of temporary orders;

7 (2) a writ of mandamus under Section 161.009 or
8 273.061; and

9 (3) any other remedy available under law.

10 SECTION 4.12. Section 86.006, Election Code, is amended by
11 amending Subsection (a) and adding Subsection (a-2) to read as
12 follows:

13 (a) A marked ballot voted under this chapter must be
14 returned to the early voting clerk in the official carrier
15 envelope. The carrier envelope may be delivered in another
16 envelope and must be transported and delivered only by:

17 (1) mail;

18 (2) common or contract carrier; or

19 (3) subject to Subsections ~~[Subsection]~~ (a-1) and
20 (a-2), in-person delivery by the voter who voted the ballot.

21 (a-2) An in-person delivery of a marked ballot voted under
22 this chapter must be received by an election official at the time of
23 delivery. The receiving official shall record the voter's name,
24 signature, and type of identification provided under Section
25 63.0101 on a roster prescribed by the secretary of state. The
26 receiving official shall attest on the roster that the delivery
27 complies with this section.

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1 SECTION 4.13. Chapter 121, Election Code, is amended by
2 adding Section 121.004 to read as follows:

3 Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR
4 PUBLIC INFORMATION. (a) Except as provided by Subsection (b), a
5 written letter, e-mail, or other communication, including a
6 communication made confidential by other law, between a public
7 official and a voting systems vendor:

8 (1) is not confidential;

9 (2) is public information for purposes of Chapter 552,
10 Government Code; and

11 (3) is not subject to an exception to disclosure
12 provided by Chapter 552, Government Code, other than Sections
13 552.110 and 552.1101, Government Code.

14 (b) A written letter, e-mail, or other communication
15 between a public official and a voting systems vendor is excepted
16 from disclosure under Chapter 552, Government Code, if the
17 communication discloses information, data, or records relating to
18 the security of elections critical infrastructure.

19 SECTION 4.14. Section 127.1301, Election Code, is amended
20 to read as follows:

21 Sec. 127.1301. [~~TALLYING, TABULATING, AND REPORTING~~]
22 CENTRALLY COUNTED OPTICAL SCAN BALLOTS [~~BALLOT UNDERVOTES AND~~
23 ~~OVERVOTES~~]. (a) In an election using centrally counted optical
24 scan ballots, the undervotes and overvotes on those ballots shall
25 be tallied, tabulated, and reported by race and by election
26 precinct in the form and manner prescribed by the secretary of
27 state.

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1 (b) An authority operating a central counting station under
2 this chapter may not purchase or use a centrally counted optical
3 ballot scan system that uses a data storage disc on which
4 information, once written, is capable of being modified.

5 (c) An authority that purchases system components in order
6 to comply with this section is eligible to have 100 percent of the
7 cost of those system components reimbursed.

8 (d) Subsection (b) applies starting on the earlier of:

9 (1) the date on which the state certifies the first
10 centrally counted optical ballot scan system under this section; or

11 (2) September 1, 2026.

12 (e) This subsection and Subsection (d) expire October 1,
13 2026.

14 SECTION 4.15. Section 127.131, Election Code, is amended by
15 adding Subsection (f) to read as follows:

16 (f) The presiding judge of the central counting station
17 shall provide and attest to a written reconciliation of votes and
18 voters at the close of tabulation for election day and again after
19 the central counting station meets for the last time to process
20 late-arriving ballots by mail and provisional ballots. The
21 secretary of state shall create and promulgate rules and a form to
22 facilitate compliance with this subsection. The form shall be
23 posted on a website maintained by the county along with election
24 returns and results.

25 SECTION 4.16. Section 129.023, Election Code, is amended by
26 adding Subsections (b-2) and (c-1) to read as follows:

27 (b-2) If the test is being conducted for an election in

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1 which a county election board has been established under Section
2 51.002, the general custodian of election records shall notify each
3 member of the board of the test at least 48 hours before the date of
4 the test. If the county election board chooses to witness the test,
5 each member shall sign the statement required by Subsection (e)(1).

6 (c-1) A test conducted under this section must also require
7 the general custodian of election records to demonstrate, using a
8 representative sample of voting system equipment, that the source
9 code of the equipment has not been altered.

10 ARTICLE 5. VOTING BY MAIL

11 SECTION 5.01. Section 84.001(b), Election Code, is amended
12 to read as follows:

13 (b) Subject to Section 1.011, an [Aa] application must be
14 submitted in writing and signed by the applicant using ink on paper.
15 An electronic signature or photocopied signature is not permitted.

16 SECTION 5.02. Section 84.002, Election Code, as effective
17 September 1, 2021, is amended by amending Subsection (a) and adding
18 Subsection (b-1) to read as follows:

19 (a) An early voting ballot application must include:

20 (1) the applicant's name and the address at which the
21 applicant is registered to vote;

22 (1-a) the following information:

23 (A) the number of the applicant's driver's
24 license, election identification certificate, or personal
25 identification card issued by the Department of Public Safety;

26 (B) if the applicant has not been issued a number
27 described by Paragraph (A), the last four digits of the applicant's

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1 social security number; or

2 (C) a statement by the applicant that the
3 applicant has not been issued a number described by Paragraph (A) or
4 (B);

5 (2) for an application for a ballot to be voted by mail
6 on the ground of absence from the county of residence, the address
7 outside the applicant's county of residence to which the ballot is
8 to be mailed;

9 (3) for an application for a ballot to be voted by mail
10 on the ground of age or disability, the address of the hospital,
11 nursing home or other long-term care facility, or retirement
12 center, or of a person related to the applicant within the second
13 degree by affinity or the third degree by consanguinity, as
14 determined under Chapter 573, Government Code, if the applicant is
15 living at that address and that address is different from the
16 address at which the applicant is registered to vote;

17 (4) for an application for a ballot to be voted by mail
18 on the ground of confinement in jail, the address of the jail or of a
19 person related to the applicant within the degree described by
20 Subdivision (3);

21 (5) for an application for a ballot to be voted by mail
22 on any ground, an indication of each election for which the
23 applicant is applying for a ballot;

24 (6) an indication of the ground of eligibility for
25 early voting; and

26 (7) for an application for a ballot to be voted by mail
27 on the ground of involuntary civil commitment, the address of the

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1 facility operated by or under contract with the Texas Civil
2 Commitment Office or of a person related to the applicant within the
3 degree of consanguinity described by Subdivision (3).

4 (b-1) A person may use the number of a driver's license,
5 election identification certificate, or personal identification
6 card that has expired for the purpose of fulfilling the requirement
7 under Subsection (a)(1-a) if the license or identification is
8 otherwise valid.

9 SECTION 5.03. Section 84.011(a), Election Code, as
10 effective September 1, 2021, is amended to read as follows:

11 (a) The officially prescribed application form for an early
12 voting ballot must include:

13 (1) immediately preceding the signature space the
14 statement: "I certify that the information given in this
15 application is true, and I understand that giving false information
16 in this application is a crime.";

17 (2) a statement informing the applicant of the
18 offenses prescribed by Sections 84.003 and 84.004;

19 (3) spaces for entering an applicant's voter
20 registration number and county election precinct of registration,
21 with a statement informing the applicant that failure to furnish
22 that information does not invalidate the application;

23 (3-a) a space for entering the information required
24 under Section 84.002(a)(1-a); and

25 (4) on an application for a ballot to be voted by mail:

26 (A) a space for an applicant applying on the
27 ground of absence from the county of residence to indicate the date

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1 on or after which the applicant can receive mail at the address
2 outside the county;

3 (B) a space for indicating the fact that an
4 applicant whose application is signed by a witness cannot make the
5 applicant's mark and a space for indicating the relationship or
6 lack of relationship of the witness to the applicant;

7 (C) a space for entering an applicant's telephone
8 number, with a statement informing the applicant that failure to
9 furnish that information does not invalidate the application;

10 (D) a space or box for an applicant applying on
11 the ground of age or disability to indicate that the address to
12 which the ballot is to be mailed is the address of a facility or
13 relative described by Section 84.002(a)(3), if applicable;

14 (E) a space or box for an applicant applying on
15 the ground of confinement in jail or involuntary civil commitment
16 to indicate that the address to which the ballot is to be mailed is
17 the address of a relative described by Section 84.002(a)(4) or (7),
18 if applicable;

19 (F) a space for an applicant applying on the
20 ground of age or disability to indicate if the application is an
21 application under Section 86.0015;

22 (G) spaces for entering the signature, printed
23 name, and residence address of any person assisting the applicant;

24 (H) a statement informing the applicant of the
25 condition prescribed by Section 81.005; and

26 (I) a statement informing the applicant of the
27 requirement prescribed by Section 86.003(c).

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1 SECTION 5.04. Subchapter A, Chapter 84, Election Code, is
2 amended by adding Section 84.0111 to read as follows:

3 Sec. 84.0111. DISTRIBUTION OF APPLICATION FORM. (a)
4 Except as provided by Subsection (c) or as otherwise authorized by
5 this code, an officer or employee of this state or of a political
6 subdivision of this state may not distribute an application form
7 for an early voting ballot to a person who did not request an
8 application under Section 84.001.

9 (b) An officer or employee of this state or of a political
10 subdivision of this state may not use public funds to facilitate the
11 distribution by another person of an application form for an early
12 voting ballot to a person who did not request an application under
13 Section 84.001.

14 (c) A political party or a candidate for office may
15 distribute an application form for an early voting ballot to a
16 person who did not request an application under Section 84.001.

17 SECTION 5.05. Section 84.032(c), Election Code, is amended
18 to read as follows:

19 (c) An applicant may submit a request after the close of
20 early voting by personal appearance by appearing in person and:

21 (1) returning the ballot to be voted by mail to the
22 early voting clerk; or

23 (2) executing an affidavit that the applicant:

24 (A) has not received the ballot to be voted by
25 mail; ~~or~~

26 (B) never requested a ballot to be voted by mail;
27 or

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1 (C) received notice of a defect under Section
2 87.0271(b) or (c) or 87.0411(b) or (c).

3 SECTION 5.06. Section 84.035, Election Code, is amended to
4 read as follows:

5 Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early
6 voting clerk cancels an application by an applicant to whom an early
7 voting ballot has been sent, the clerk shall:

8 (1) remove the applicant's name from the early voting
9 roster; and

10 (2) make any other entries in the records and take any
11 other action necessary to prevent the ballot from being counted if
12 returned.

13 (b) An election judge may permit a person to whom an early
14 voting ballot has been sent who cancels the person's application
15 for a ballot to be voted by mail in accordance with Section 84.032
16 but fails to return the ballot to be voted by mail to the early
17 voting clerk, deputy early voting clerk, or presiding judge as
18 provided by that section to vote only a provisional ballot under
19 Section 63.011.

20 SECTION 5.07. Section 86.001, Election Code, is amended by
21 adding Subsections (f), (f-1), and (f-2) to read as follows:

22 (f) If the information required under Section
23 84.002(a)(1-a) included on the application does not identify the
24 same voter identified on the applicant's application for voter
25 registration under Section 13.002(c)(8), the clerk shall reject the
26 application.

27 (f-1) If an application is rejected under Subsection (f),

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1 the clerk shall provide notice of the rejection in accordance with
 2 Subsection (c). The notice must include information regarding the
 3 ability to correct or add information required under Section
 4 84.002(a)(1-a) through the online tool described by Section
 5 86.015(c).

6 (f-2) If an applicant corrects an application for a ballot
 7 to be voted by mail online and that application subsequently
 8 identifies the same voter identified on the applicant's application
 9 for voter registration, the clerk shall provide a ballot to the
 10 applicant as provided by this chapter.

11 SECTION 5.08. Section 86.002, Election Code, is amended by
 12 adding Subsections (g), (h), and (i) to read as follows:

13 (g) The carrier envelope must include a space that is hidden
 14 from view when the envelope is sealed for the voter to enter the
 15 following information:

16 (1) the number of the voter's driver's license,
 17 election identification certificate, or personal identification
 18 card issued by the Department of Public Safety;

19 (2) if the voter has not been issued a number described
 20 by Subdivision (1), the last four digits of the voter's social
 21 security number; or

22 (3) a statement by the applicant that the applicant
 23 has not been issued a number described by Subdivision (1) or (2).

24 (h) A person may use the number of a driver's license,
 25 election identification certificate, or personal identification
 26 card that has expired for purposes of Subsection (g) if the license
 27 or identification is otherwise valid.

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1 (i) No record associating an individual voter with a ballot
2 may be created.

3 SECTION 5.09. Section 86.011(c), Election Code, is amended
4 to read as follows:

5 (c) If the return is not timely, the clerk shall enter the
6 time of receipt on the carrier envelope and retain it in a locked
7 container for the period for preserving the precinct election
8 records. The clerk shall destroy the unopened envelope and its
9 contents after the preservation period.

10 SECTION 5.10. Section 86.015(c), Election Code, as
11 effective September 1, 2021, is amended to read as follows:

12 (c) An online tool used under this section must:

13 (1) for each election, record:

14 (A) each application for a ballot to be voted by
15 mail received by the clerk; and

16 (B) each carrier envelope sent to a voter by the
17 clerk;

18 (2) for each carrier envelope, record or assign a
19 serially numbered and sequentially issued barcode or tracking
20 number that is unique to each envelope; ~~and~~

21 (3) update the applicable Internet website as soon as
22 practicable after each of the following events occurs:

23 (A) receipt by the early voting clerk of the
24 person's application for a ballot to be voted by mail;

25 (B) acceptance or rejection by the early voting
26 clerk of the person's application for a ballot to be voted by mail;

27 (C) placement in the mail by the early voting

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1 clerk of the person's official ballot;

2 (D) receipt by the early voting clerk of the
3 person's marked ballot; and

4 (E) acceptance or rejection by the early voting
5 ballot board of a person's marked ballot; and

6 (4) allow a voter to add or correct information
7 required under Section 84.002(a)(1-a) or Section 86.002(g).

8 SECTION 5.11. Sections 87.027(d), (e), and (i), Election
9 Code, are amended to read as follows:

10 (d) The early voting clerk shall determine the number of
11 members who are to compose the signature verification committee and
12 shall state that number in the order calling for the committee's
13 appointment. A committee must consist of not fewer than five
14 members. In an election in which party alignment is indicated on
15 the ballot, each county chair of a political party with a nominee or
16 aligned candidate on the ballot shall submit to the appointing
17 authority a list of names of persons eligible to serve on the
18 signature verification committee in order of the county chair's
19 preference. The authority shall appoint at least two persons from
20 each list in the order of preference indicated on each list to serve
21 as members of the committee. The same number of members must be
22 appointed from each list. The authority shall appoint as [the]
23 chair of the committee the highest-ranked person on [from] the list
24 provided by the political party whose nominee for governor received
25 the most votes in the county in the most recent gubernatorial
26 general election. The authority shall appoint as vice chair of the
27 committee the highest-ranked person on the list provided by the

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1 political party whose nominee for governor received the second most
2 votes in the county in the most recent gubernatorial general
3 election. A vacancy on the committee shall be filled by appointment
4 from the original list or from a new list submitted by the
5 appropriate county chair.

6 (e) To be eligible to serve on a signature verification
7 committee, a person must be eligible under Subchapter C, Chapter
8 32, for service as a presiding election judge, except that the
9 person must be a qualified voter:

10 (1) of the county, in a countywide election ordered by
11 the governor or a county authority or in a primary election;

12 (2) of the part of the county in which the election is
13 held, for an election ordered by the governor or a county authority
14 that does not cover the entire county of the person's residence; or

15 (3) of the political subdivision, in an election
16 ordered by an authority of a political subdivision other than a
17 county.

18 (i) The signature verification committee shall compare the
19 signature on each carrier envelope certificate, except those signed
20 for a voter by a witness, with the signature on the voter's ballot
21 application to determine whether the signatures are those of the
22 voter. The committee may also compare the signatures with any
23 known signature [~~two or more signatures~~] of the voter [~~made within~~
24 ~~the preceding six years and~~] on file with the county clerk or voter
25 registrar to determine whether the signatures are those of the
26 voter. Except as provided by Subsection (1), a determination under
27 this subsection that the signatures are not those of the voter must

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1 be made by a majority vote of the committee's membership. The
2 committee shall place the jacket envelopes, carrier envelopes, and
3 applications of voters whose signatures are not those of the voter
4 in separate containers from those of voters whose signatures are
5 those of the voter. The committee chair shall deliver the sorted
6 materials to the early voting ballot board at the time specified by
7 the board's presiding judge.

8 SECTION 5.12. Subchapter B, Chapter 87, Election Code, is
9 amended by adding Section 87.0271 to read as follows:

10 Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE
11 VERIFICATION COMMITTEE. (a) This section applies to an early
12 voting ballot voted by mail:

13 (1) for which the voter did not sign the carrier
14 envelope certificate;

15 (2) for which it cannot immediately be determined
16 whether the signature on the carrier envelope certificate is that
17 of the voter;

18 (3) missing any required statement of residence;

19 (4) missing information or containing incorrect
20 information required under Section 84.002(a)(1-a) or Section
21 86.002; or

22 (5) containing incomplete information with respect to
23 a witness.

24 (b) Not later than the second business day after a signature
25 verification committee discovers a defect described by Subsection
26 (a) and before the committee decides whether to accept or reject a
27 timely delivered ballot under Section 87.027, the committee shall:

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1 (1) determine if it would be possible for the voter to
2 correct the defect and return the carrier envelope before the time
3 the polls are required to close on election day; and

4 (2) return the carrier envelope to the voter by mail,
5 if the committee determines that it would be possible for the voter
6 to correct the defect and return the carrier envelope before the
7 time the polls are required to close on election day.

8 (c) If the signature verification committee determines
9 under Subsection (b)(1) that it would not be possible for the voter
10 to correct the defect and return the carrier envelope before the
11 time the polls are required to close on election day, the committee
12 may notify the voter of the defect by telephone or e-mail and inform
13 the voter that the voter may request to have the voter's application
14 to vote by mail canceled in the manner described by Section 84.032
15 or come to the early voting clerk's office in person not later than
16 the sixth day after election day to correct the defect.

17 (d) If the signature verification committee takes an action
18 described by Subsection (b) or (c), the committee must take either
19 action described by that subsection with respect to each ballot in
20 the election to which this section applies.

21 (e) A poll watcher is entitled to observe an action taken
22 under Subsection (b) or (c).

23 (f) The secretary of state may prescribe any procedures
24 necessary to implement this section.

25 (g) Notwithstanding any other law, a ballot may not be
26 finally rejected for a reason listed in Section 87.041(b)(1), (2),
27 or (6) before the seventh day after election day.

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1 SECTION 5.13. Section 87.041, Election Code, is amended by
2 amending Subsections (b) and (e) and adding Subsection (d-1) to
3 read as follows:

4 (b) A ballot may be accepted only if:

5 (1) the carrier envelope certificate is properly
6 executed;

7 (2) neither the voter's signature on the ballot
8 application nor the signature on the carrier envelope certificate
9 is determined to have been executed by a person other than the
10 voter, unless signed by a witness;

11 (3) the voter's ballot application states a legal
12 ground for early voting by mail;

13 (4) the voter is registered to vote, if registration
14 is required by law;

15 (5) the address to which the ballot was mailed to the
16 voter, as indicated by the application, was outside the voter's
17 county of residence, if the ground for early voting is absence from
18 the county of residence;

19 (6) for a voter to whom a statement of residence form
20 was required to be sent under Section 86.002(a), the statement of
21 residence is returned in the carrier envelope and indicates that
22 the voter satisfies the residence requirements prescribed by
23 Section 63.0011; ~~and~~

24 (7) the address to which the ballot was mailed to the
25 voter is an address that is otherwise required by Sections 84.002
26 and 86.003; and

27 (8) the information required under Section 86.002(g)

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1 provided by the voter identifies the same voter identified on the
 2 voter's application for voter registration under Section
 3 13.002(c)(8).

4 (d-1) If a voter provides the information required under
 5 Section 86.002(g) and it identifies the same voter identified on
 6 the voter's application for voter registration under Section
 7 13.002(c)(8), the signature on the ballot application and on the
 8 carrier envelope certificate shall be rebuttably presumed to be
 9 the signatures of the voter.

10 (e) In making the determination under Subsection (b)(2), to
 11 determine whether the signatures are those of the voter, the board
 12 may also compare the signatures with any known signature [two or
 13 more signatures] of the voter [made within the preceding six years
 14 and] on file with the county clerk or voter registrar [to determine
 15 whether the signatures are those of the voter].

16 SECTION 5.14. Subchapter C, Chapter 87, Election Code, is
 17 amended by adding Section 87.0411 to read as follows:

18 Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING
 19 BALLOT BOARD. (a) This section applies to an early voting ballot
 20 voted by mail:

21 (1) for which the voter did not sign the carrier
 22 envelope certificate;

23 (2) for which it cannot immediately be determined
 24 whether the signature on the carrier envelope certificate is that
 25 of the voter;

26 (3) missing any required statement of residence;

27 (4) missing information or containing incorrect

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1 information required under Section 84.002(a)(1-a) or Section
2 86.002; or

3 (5) containing incomplete information with respect to
4 a witness.

5 (b) Not later than the second business day after an early
6 voting ballot board discovers a defect described by Subsection (a)
7 and before the board decides whether to accept or reject a timely
8 delivered ballot under Section 87.041, the board shall:

9 (1) determine if it would be possible for the voter to
10 correct the defect and return the carrier envelope before the time
11 the polls are required to close on election day; and

12 (2) return the carrier envelope to the voter by mail,
13 if the board determines that it would be possible for the voter to
14 correct the defect and return the carrier envelope before the time
15 the polls are required to close on election day.

16 (c) If the early voting ballot board determines under
17 Subsection (b)(1) that it would not be possible for the voter to
18 correct the defect and return the carrier envelope before the time
19 the polls are required to close on election day, the board may
20 notify the voter of the defect by telephone or e-mail and inform the
21 voter that the voter may request to have the voter's application to
22 vote by mail canceled in the manner described by Section 84.032 or
23 come to the early voting clerk's office in person not later than the
24 sixth day after election day to correct the defect.

25 (d) If the early voting ballot board takes an action
26 described by Subsection (b) or (c), the board must take either
27 action described by that subsection with respect to each ballot in

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1 the election to which this section applies.

2 (e) A poll watcher is entitled to observe an action taken
3 under Subsection (b) or (c).

4 (f) The secretary of state may prescribe any procedures
5 necessary to implement this section.

6 (g) Notwithstanding any other law, a ballot may not be
7 finally rejected for a reason listed in Section 87.041(b)(1), (2),
8 or (6) before the seventh day after election day.

9 SECTION 5.15. Section 87.0431(b), Election Code, is amended
10 to read as follows:

11 (b) The early voting clerk shall, not later than the 30th
12 day after election day, deliver notice to the attorney general,
13 including certified copies of the carrier envelope and
14 corresponding ballot application, of any ballot rejected because:

15 (1) the voter was deceased;

16 (2) the voter already voted in person in the same
17 election;

18 (3) the signatures on the carrier envelope and ballot
19 application were not executed by the same person;

20 (4) the carrier envelope certificate lacked a witness
21 signature; ~~[or]~~

22 (5) the carrier envelope certificate was improperly
23 executed by an assistant; or

24 (6) the early voting ballot board or the signature
25 verification committee determined that another violation of the
26 Election Code occurred.

27 SECTION 5.16. Sections 87.062(a) and (c), Election Code,

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1 are amended to read as follows:

2 (a) On the direction of the presiding judge, the early
3 voting ballot board, in accordance with Section 85.032(b), shall
4 open the containers ~~[container]~~ for the early voting ballots that
5 are to be counted by the board, remove the contents from each ~~[the]~~
6 container, and remove any ballots enclosed in ballot envelopes from
7 their envelopes.

8 (c) Ballots voted by mail shall be tabulated and stored
9 separately from the ballots voted by personal appearance and shall
10 be separately reported on the returns ~~[The results of all early~~
11 ~~voting ballots counted by the board under this subchapter shall be~~
12 ~~included in the same return]~~.

13 SECTION 5.17. Section 87.103, Election Code, is amended to
14 read as follows:

15 Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS. (a)
16 The early voting electronic system ballots counted at a central
17 counting station, the ballots cast at precinct polling places, and
18 the ballots voted by mail shall be tabulated separately ~~[from the~~
19 ~~ballots cast at precinct polling places]~~ and shall be separately
20 reported on the returns.

21 (b) The early voting returns prepared at the central
22 counting station must include any early voting results obtained by
23 the early voting ballot board under Subchapter ~~[Subchapters]~~ D ~~[and~~
24 ~~E]~~.

25 SECTION 5.18. Section 87.126, Election Code, is amended by
26 adding Subsection (a-1) to read as follows:

27 (a-1) Electronic records made under this section shall

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1 record both sides of any application, envelope, or ballot recorded,
2 and all such records shall be provided to the early voting ballot
3 board, the signature verification committee, or both.

4 SECTION 5.19. Subchapter G, Chapter 87, Election Code, is
5 amended by adding Section 87.128 to read as follows:

6 Sec. 87.128. NOTES. (a) Each member of an early voting
7 ballot board and each member of a signature verification committee
8 is entitled to take any notes reasonably necessary to perform the
9 member's duties under this chapter.

10 (b) Notes taken under this section may not contain
11 personally identifiable information.

12 (c) Each member who takes notes under this section shall
13 sign the notes and deliver them to the presiding judge or committee
14 chair, as applicable, for delivery to the custodian of election
15 records.

16 (d) Notes collected under this section shall be preserved in
17 the same manner as precinct election records under Section 66.058.

18 ARTICLE 6. ASSISTANCE OF VOTERS

19 SECTION 6.01. Section 64.009, Election Code, is amended by
20 amending Subsection (b) and adding Subsections (e), (f), (f-1),
21 (g), and (h) to read as follows:

22 (b) The regular voting procedures, except those in
23 Subchapter B, may be modified by the election officer to the extent
24 necessary to conduct voting under this section.

25 (e) Except as provided by Section 33.057, a poll watcher is
26 entitled to observe any activity conducted under this section.

27 (f) A person who simultaneously assists seven or more voters

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1 voting under this section by providing the voters with
 2 transportation to the polling place must complete and sign a form,
 3 provided by an election officer, that contains the person's name
 4 and address and whether the person is providing assistance solely
 5 under this section or under both this section and Subchapter B.

6 (f-1) Subsection (f) does not apply if the person is related
 7 to each voter within the second degree by affinity or the third
 8 degree by consanguinity, as determined under Subchapter B, Chapter
 9 573, Government Code.

10 (g) A form completed under Subsection (f) shall be delivered
 11 to the secretary of state as soon as practicable. The secretary
 12 shall retain a form delivered under this section for the period for
 13 preserving the precinct election records and shall make the form
 14 available to the attorney general for inspection upon request.

15 (h) The secretary of state shall prescribe the form
 16 described by Subsection (f).

17 SECTION 6.02. Section 64.031, Election Code, is amended to
 18 read as follows:

19 Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. A voter is
 20 eligible to receive assistance in marking or reading the ballot, as
 21 provided by this subchapter, if the voter cannot prepare or read the
 22 ballot because of:

23 (1) a physical disability that renders the voter
 24 unable to write or see; or

25 (2) an inability to read the language in which the
 26 ballot is written.

27 SECTION 6.03. Subchapter B, Chapter 64, Election Code, is

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1 amended by adding Section 64.0322 to read as follows:

2 Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A
3 person, other than an election officer, who assists a voter in
4 accordance with this chapter is required to complete a form
5 stating:

6 (1) the name and address of the person assisting the
7 voter;

8 (2) the relationship to the voter of the person
9 assisting the voter; and

10 (3) whether the person assisting the voter received or
11 accepted any form of compensation or other benefit from a
12 candidate, campaign, or political committee.

13 (b) The secretary of state shall prescribe the form required
14 by this section. The form must be incorporated into the official
15 carrier envelope if the voter is voting an early voting ballot by
16 mail and receives assistance under Section 86.010, or must be
17 submitted to an election officer at the time the voter casts a
18 ballot if the voter is voting at a polling place or under Section
19 64.009.

20 SECTION 6.04. Section 64.034, Election Code, is amended to
21 read as follows:

22 Sec. 64.034. OATH. A person, other than an election
23 officer, selected to provide assistance to a voter must take the
24 following oath, administered by an election officer at the polling
25 place, before providing assistance:

26 "I swear (or affirm) under penalty of perjury that the voter I
27 am assisting represented to me they are eligible to receive

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1 assistance; I will not suggest, by word, sign, or gesture, how the
 2 voter should vote; I will confine my assistance to reading the
 3 ballot to the voter, directing the voter to read the ballot, marking
 4 the voter's ballot, or directing the voter to mark the ballot;
 5 ~~[answering the voter's questions, to stating propositions on the~~
 6 ~~ballot, and to naming candidates and, if listed, their political~~
 7 ~~parties,]~~ I will prepare the voter's ballot as the voter directs; I
 8 did not pressure or coerce the voter into choosing me to provide
 9 assistance; [and] I am not the voter's employer, an agent of the
 10 voter's employer, or an officer or agent of a labor union to which
 11 the voter belongs; I will not communicate information about how the
 12 voter has voted to another person; and I understand that if
 13 assistance is provided to a voter who is not eligible for
 14 assistance, the voter's ballot may not be counted."

15 SECTION 6.05. Sections 86.010(e), (h), and (i), Election
 16 Code, are amended to read as follows:

17 (e) A person who assists a voter to prepare a ballot to be
 18 voted by mail shall enter on the official carrier envelope of the
 19 voter:

20 (1) the person's signature, printed name, and
 21 residence address;

22 (2) the relationship of the person providing the
 23 assistance to the voter; and

24 (3) whether the person received or accepted any form
 25 of compensation or other benefit from a candidate, campaign, or
 26 political committee in exchange for providing assistance ~~[on the~~
 27 ~~official carrier envelope of the voter]~~.

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1 (h) Subsection (f) does not apply:

2 (1) to a violation of Subsection (c), if the person is
3 related to the voter within the second degree by affinity or the
4 third degree by consanguinity, as determined under Subchapter B,
5 Chapter 573, Government Code, or was physically living in the same
6 dwelling as the voter at the time of the event; or

7 (2) to a violation of Subsection (e), if the person is
8 related to the voter within the second degree by affinity or the
9 third degree by consanguinity, as determined under Subchapter B,
10 Chapter 573, Government Code.

11 (i) An offense under this section for a violation of
12 Subsection (c) is increased to the next higher category of offense
13 if it is shown on the trial of an offense under this section that:

14 (1) the defendant was previously convicted of an
15 offense under this code;

16 (2) the offense involved a voter 65 years of age or
17 older; or

18 (3) the defendant committed another offense under this
19 section in the same election.

20 SECTION 6.06. Section 86.0105, Election Code, is amended by
21 amending Subsections (a), (c), and (e) and adding Subsection (f) to
22 read as follows:

23 (a) A person commits an offense if the person:

24 (1) compensates or offers to compensate another person
25 for assisting voters as provided by Section 86.0101, ~~as part of any~~
26 ~~performance-based compensation scheme based on the number of voters~~
27 ~~assisted or in which another person is presented with a quota of~~

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1 ~~voters to be assisted as provided by Section 86.010]; or~~

2 (2) solicits, receives, or ~~[engages in another~~
3 ~~practice that causes another person's compensation from or~~
4 ~~employment status with the person to be dependent on the number of~~
5 ~~voters assisted as provided by Section 86.010; or~~

6 ~~[(3) with knowledge that accepting compensation for~~
7 ~~such activity is illegal,]~~ accepts compensation for an activity
8 described by Subdivision (1) ~~[or (2)]~~.

9 (c) An offense under this section is a state jail felony ~~[if~~
10 ~~it is shown on the trial of an offense under this section that the~~
11 ~~defendant was previously convicted two or more times under this~~
12 ~~section]~~.

13 (e) For purposes of this section, compensation means an
14 economic benefit as defined by Section 38.01, Penal Code ~~[any form~~
15 ~~of monetary payment, goods, services, benefits, or promises or~~
16 ~~offers of employment, or any other form of consideration offered to~~
17 ~~another person in exchange for assisting voters]~~.

18 (f) This section does not apply if the person assisting a
19 voter is an attendant or caregiver previously known to the voter.

20 SECTION 6.07. Section 86.013(b), Election Code, is amended
21 to read as follows:

22 (b) Spaces must appear on the reverse side of the official
23 carrier envelope for:

24 (1) indicating the identity and date of the election;
25 ~~[and]~~

26 (2) entering the signature, printed name, and
27 residence address of a person other than the voter who deposits the

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1 carrier envelope in the mail or with a common or contract carrier;
2 and
3 (3) indicating the relationship of that person to the
4 voter.

5 SECTION 6.08. (a) The secretary of state shall conduct a
6 study regarding the implementation of educational programs,
7 including the production and publication on the secretary of
8 state's Internet website of instructional videos, to help voters
9 with disabilities understand how to use voting systems used in this
10 state.

11 (b) Not later than December 1, 2022, the secretary of state
12 shall submit to the standing committees of the legislature with
13 jurisdiction over elections a report on the study required by this
14 section.

15 (c) The secretary of state, using existing resources, may
16 contract with a qualified vendor to conduct the study required by
17 this section.

18 (d) This section expires December 1, 2023.

19 ARTICLE 7. FRAUD AND OTHER UNLAWFUL PRACTICES

20 SECTION 7.01. Chapter 63, Election Code, is amended by
21 adding Section 63.0111 to read as follows:

22 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)
23 An election judge commits an offense if the judge knowingly
24 provides a voter with a form for an affidavit required by Section
25 63.001 if the form contains information that the judge entered on
26 the form knowing it was false.

27 (b) An offense under this section is a state jail felony.

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1 SECTION 7.02. Sections 276.004(a) and (b), Election Code,
2 are amended to read as follows:

3 (a) A person commits an offense if, with respect to another
4 person over whom the person has authority in the scope of
5 employment, the person knowingly:

6 (1) refuses to permit the other person to be absent
7 from work on election day or while early voting is in progress for
8 the purpose of attending the polls to vote; or

9 (2) subjects or threatens to subject the other person
10 to a penalty for attending the polls on election day or while early
11 voting is in progress to vote.

12 (b) It is an exception to the application of this section
13 that the person's conduct occurs in connection with an election in
14 which the polls are open on election day or while early voting is in
15 progress for voting for two consecutive hours outside of the
16 voter's working hours.

17 SECTION 7.03. Sections 276.013(a) and (b), Election Code,
18 are amended to read as follows:

19 (a) A person commits an offense if the person knowingly or
20 intentionally makes any effort to:

21 (1) influence the independent exercise of the vote of
22 another in the presence of the ballot or during the voting process,
23 including by altering the ballot of another or by otherwise causing
24 a ballot to not reflect the intent of the voter;

25 (2) cause a voter to become registered, a ballot to be
26 obtained, or a vote to be cast under false pretenses; ~~(or)~~

27 (3) cause any false or intentionally misleading

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1 statement, representation, or information to be provided:

2 (A) to an election official; or

3 (B) on an application for ballot by mail, carrier
4 envelope, or any other official election-related form or document;

5 (4) prevent a voter from casting a legal ballot in an
6 election in which the voter is eligible to vote;

7 (5) provide false information to a voter with the
8 intent of preventing the voter from voting in an election in which
9 the voter is eligible to vote;

10 (6) cause the ballot not to reflect the intent of the
11 voter;

12 (7) cause a ballot to be voted for another person that
13 the person knows to be deceased or otherwise knows not to be a
14 qualified or registered voter;

15 (8) cause or enable a vote to be cast more than once in
16 the same election; or

17 (9) discard or destroy a voter's completed ballot
18 without the voter's consent.

19 (b) An offense under this section is a Class A misdemeanor,
20 unless:

21 (1) the person committed the offense while acting in
22 the person's capacity as an elected official, in which case the
23 offense is a state jail felony; or

24 (2) the person is convicted of an attempt, in which
25 case the offense is a Class B [A] misdemeanor.

26 SECTION 7.04. Chapter 276, Election Code, is amended by
27 adding Sections 276.015, 276.016, 276.017, 276.018, and 276.019 to

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1 read as follows:

2 Sec. 276.015. VOTE HARVESTING. (a) In this section:

3 (1) "Benefit" means anything reasonably regarded as a
4 gain or advantage, including a promise or offer of employment, a
5 political favor, or an official act of discretion, whether to a
6 person or another party whose welfare is of interest to the person.

7 (2) "Vote harvesting services" means in-person
8 interaction with one or more voters, in the physical presence of an
9 official ballot or a ballot voted by mail, intended to deliver votes
10 for a specific candidate or measure.

11 (b) A person commits an offense if the person, directly or
12 through a third party, knowingly provides or offers to provide vote
13 harvesting services in exchange for compensation or other benefit.

14 (c) A person commits an offense if the person, directly or
15 through a third party, knowingly provides or offers to provide
16 compensation or other benefit to another person in exchange for
17 vote harvesting services.

18 (d) A person commits an offense if the person knowingly
19 collects or possesses a mail ballot or official carrier envelope in
20 connection with vote harvesting services.

21 (e) This section does not apply to:

22 (1) an activity not performed in exchange for
23 compensation or a benefit;

24 (2) interactions that do not occur in the presence of
25 the ballot or during the voting process;

26 (3) interactions that do not directly involve an
27 official ballot or ballot by mail;

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1 (4) interactions that are not conducted in-person with
2 a voter; or

3 (5) activity that is not designed to deliver votes for
4 or against a specific candidate or measure.

5 (f) An offense under this section is a felony of the third
6 degree.

7 (g) If conduct that constitutes an offense under this
8 section also constitutes an offense under any other law, the actor
9 may be prosecuted under this section, the other law, or both.

10 (h) Records necessary to investigate an offense under this
11 section or any other section of this code shall be provided by an
12 election officer in an unredacted form to a law enforcement officer
13 upon request. Records obtained under this subsection are not
14 subject to public disclosure.

15 Sec. 276.016. UNLAWFUL SOLICITATION AND DISTRIBUTION OF
16 APPLICATION TO VOTE BY MAIL. (a) A public official or election
17 official commits an offense if the official, while acting in an
18 official capacity, knowingly:

19 (1) solicits the submission of an application to vote
20 by mail from a person who did not request an application;

21 (2) distributes an application to vote by mail to a
22 person who did not request the application unless the distribution
23 is expressly authorized by another provision of this code;

24 (3) authorizes or approves the expenditure of public
25 funds to facilitate third-party distribution of an application to
26 vote by mail to a person who did not request the application; or

27 (4) completes any portion of an application to vote by

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1 mail and distributes the application to an applicant.

2 (b) An offense under this section is a state jail felony.

3 (c) Subsection (a)(2) does not apply if the public official
4 or election official engaged in the conduct described by Subsection
5 (a)(2) by providing access to an application to vote by mail from a
6 publicly accessible Internet website.

7 (d) Subsection (a)(4) does not apply if the public official
8 or election official engaged in the conduct described by Subsection
9 (a)(4) while lawfully assisting the applicant under Section 84.003.

10 (e) Subsection (a) does not apply if the public official or
11 election official:

12 (1) provided general information about voting by mail,
13 the vote by mail process, or the timelines associated with voting to
14 a person or the public; or

15 (2) engaged in the conduct described by Subsection (a)
16 while acting in the official's capacity as a candidate for a public
17 elective office.

18 (f) The remedy provided under this chapter is cumulative,
19 and does not restrict any other remedies provided by this code or by
20 law. A violation of this section is subject to injunctive relief or
21 mandamus as provided by this code.

22 Sec. 276.017. UNLAWFUL DISTRIBUTION OF EARLY VOTING BALLOTS
23 AND BALLOTING MATERIALS. (a) The early voting clerk or other
24 election official commits an offense if the clerk or official
25 knowingly mails or otherwise provides an early voting ballot by
26 mail or other early voting by mail ballot materials to a person who
27 the clerk or official knows did not submit an application for a

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1 ballot to be voted by mail under Section 84.001.

2 (b) An offense under this section is a Class A misdemeanor.

3 Sec. 276.018. PERJURY IN CONNECTION WITH CERTAIN ELECTION
4 PROCEDURES. (a) A person commits an offense if, with the intent to
5 deceive, the person knowingly or intentionally makes a false
6 statement or swears to the truth of a false statement:

7 (1) on a voter registration application; or

8 (2) previously made while making an oath, declaration,
9 or affidavit described by this code.

10 (b) An offense under this section is a state jail felony.

11 Sec. 276.019. UNLAWFUL ALTERING OF ELECTION PROCEDURES. A
12 public official or election official may not create, alter, modify,
13 waive, or suspend any election standard, practice, or procedure
14 mandated by law or rule in a manner not expressly authorized by this
15 code.

16 ARTICLE 8. ENFORCEMENT

17 SECTION 8.01. Subchapter E, Chapter 31, Election Code, is
18 amended by adding Sections 31.128, 31.129, and 31.130 to read as
19 follows:

20 Sec. 31.128. RESTRICTION ON ELIGIBILITY. (a) In this
21 section, "election official" does not include a chair of a county
22 political party holding a primary election or a runoff primary
23 election.

24 (b) A person may not serve as an election official if the
25 person has been finally convicted of an offense under this code.

26 Sec. 31.129. CIVIL PENALTY. (a) In this section, "election
27 official" has the meaning assigned by Section 31.128.

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1 (b) An election official may be liable to this state for a
2 civil penalty if the official:

3 (1) is employed by or is an officer of this state or a
4 political subdivision of this state; and

5 (2) violates a provision of this code.

6 (c) A civil penalty imposed under this section may include
7 termination of the person's employment and loss of the person's
8 employment benefits.

9 Sec. 31.130. SUIT AGAINST ELECTION OFFICER. An action,
10 including an action for a writ of mandamus, alleging that an
11 election officer violated a provision of this code while acting in
12 the officer's official capacity may only be brought against the
13 officer in the officer's official capacity.

14 SECTION 8.02. Sections 232.008(b), (c), and (d), Election
15 Code, are amended to read as follows:

16 (b) Except as provided by Subsection (c), a contestant must
17 file the petition not later than the later of the 45th ~~[30th]~~ day
18 after the date the election records are publicly available under
19 Section 1.012 or the official result of the contested election is
20 determined.

21 (c) A contestant must file the petition not later than the
22 later of the 15th ~~[10th]~~ day after the date the election records are
23 publicly available under Section 1.012 or the official result is
24 determined in a contest of:

25 (1) a primary or runoff primary election; or

26 (2) a general or special election for which a runoff is
27 necessary according to the official result or will be necessary if

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1 the contestant prevails.

2 (d) A contestant must deliver, electronically or otherwise,
3 a copy of the petition to the secretary of state by the same
4 deadline prescribed for the filing of the petition.

5 SECTION 8.03. Title 14, Election Code, is amended by adding
6 Subtitle D to read as follows:

7 SUBTITLE D. OTHER ELECTION LAWSUITS

8 CHAPTER 247. LAWSUIT ALLEGING IMPROPER ELECTION ACTIVITIES

9 Sec. 247.001. PETITION ALLEGING FRAUD. This chapter
10 applies to a civil suit in which a candidate in an election alleges
11 in the petition that an opposing candidate, an agent of the opposing
12 candidate, or a person acting on behalf of the opposing candidate
13 with the candidate's knowledge violated any of the following
14 sections of this code:

- 15 (1) Section 13.007;
16 (2) Section 64.012;
17 (3) Section 64.036;
18 (4) Section 84.003;
19 (5) Section 84.0041;
20 (6) Section 86.0051;
21 (7) Section 86.006;
22 (8) Section 86.010;
23 (9) Section 276.013; and
24 (10) Section 276.015.

25 Sec. 247.002. PROCEDURE. A candidate in an election may
26 file a petition for an action under this chapter in any county where
27 a defendant resided at the time of the election. If the election is

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1 for a statewide office, the candidate may also file the petition in
2 a district court in Travis County.

3 Sec. 247.003. FILING PERIOD FOR PETITION. A candidate in an
4 election may file a petition for an action under this chapter not
5 earlier than the day after the date the election is certified and
6 not later than the 45th day after the later of that date or the date
7 election records are made publicly available under Section 1.012.

8 Sec. 247.004. DAMAGES. (a) If it is shown by a
9 preponderance of the evidence that a defendant, an agent of the
10 defendant, or a person acting on behalf of the defendant with the
11 defendant's knowledge committed one or more violations of a section
12 described by Section 247.001, the defendant is liable to the
13 plaintiff for damages in an amount of \$1,000 for each violation.

14 (b) Notwithstanding Section 41.004, Civil Practice and
15 Remedies Code, a court shall award damages under Subsection (a) to
16 the plaintiff irrespective of whether the plaintiff is awarded
17 actual damages.

18 Sec. 247.005. ATTORNEY'S FEES. In an action under this
19 chapter, the court may award reasonable attorney's fees to the
20 prevailing party.

21 SECTION 8.04. Section 273.061, Election Code, is amended to
22 read as follows:

23 Sec. 273.061. JURISDICTION. (a) The supreme court or a
24 court of appeals may issue a writ of mandamus to compel the
25 performance of any duty imposed by law in connection with the
26 holding of an election or a political party convention, regardless
27 of whether the person responsible for performing the duty is a

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1 public officer.

2 **(b) The court of criminal appeals may issue a writ of**
3 **mandamus to compel the performance of any duty imposed by law in**
4 **connection with the provision, sequestration, transfer, or**
5 **impoundment of evidence in or records relating to a criminal**
6 **investigation conducted under this code or conducted in connection**
7 **with the conduct of an election or political party convention. If a**
8 **writ of mandamus is issued under this subsection, it shall include**
9 **an order requiring the provision, sequestration, transfer, or**
10 **impoundment of the evidence or record.**

11 SECTION 8.05. Subchapter D, Chapter 22, Government Code, is
12 amended by adding Sections 22.304 and 22.305 to read as follows:

13 **Sec. 22.304. COURT SITTING IN PANELS FOR CERTAIN ELECTION**
14 **PROCEEDINGS; CRIMINAL OFFENSE. (a) In this section, "public**
15 **official" means any person elected, selected, appointed, employed,**
16 **or otherwise designated as an officer, employee, or agent of this**
17 **state, a government agency, a political subdivision, or any other**
18 **public body established by state law.**

19 **(b) Notwithstanding any other law or rule, a court**
20 **proceeding entitled to priority under Section 22.305 and filed in a**
21 **court of appeals shall be docketed by the clerk of the court and**
22 **assigned to a panel of three justices determined using an automated**
23 **assignment system.**

24 **(c) A person, including a public official, commits an**
25 **offense if the person communicates with a court clerk with the**
26 **intention of influencing or attempting to influence the composition**
27 **of a three-justice panel assigned a specific proceeding under this**

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1 section.

2 (d) An offense under this section is a Class A misdemeanor.

3 Sec. 22.305. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)

4 The supreme court or a court of appeals shall prioritize over any
5 other proceeding pending or filed in the court a proceeding for
6 injunctive relief or for a writ of mandamus under Chapter 273,
7 Election Code, pending or filed in the court on or after the 70th
8 day before a general or special election.

9 (b) If granted, oral argument for a proceeding described by
10 Subsection (a) may be given in person or through electronic means.

11 SECTION 8.06. Section 23.101, Government Code, is amended
12 by amending Subsection (a) and adding Subsections (b-1) and (b-2)
13 to read as follows:

14 (a) Except as provided by Subsection (b-1), the [The] trial
15 courts of this state shall regularly and frequently set hearings
16 and trials of pending matters, giving preference to hearings and
17 trials of the following:

18 (1) temporary injunctions;

19 (2) criminal actions, with the following actions given
20 preference over other criminal actions:

21 (A) criminal actions against defendants who are
22 detained in jail pending trial;

23 (B) criminal actions involving a charge that a
24 person committed an act of family violence, as defined by Section
25 71.004, Family Code;

26 (C) an offense under:

27 (i) Section 21.02 or 21.11, Penal Code;

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1 (ii) Chapter 22, Penal Code, if the victim
2 of the alleged offense is younger than 17 years of age;

3 (iii) Section 25.02, Penal Code, if the
4 victim of the alleged offense is younger than 17 years of age;

5 (iv) Section 25.06, Penal Code;

6 (v) Section 43.25, Penal Code; or

7 (vi) Section 20A.02(a)(7), 20A.02(a)(8),
8 or 20A.03, Penal Code;

9 (D) an offense described by Article 62.001(6)(C)
10 or (D), Code of Criminal Procedure; and

11 (E) criminal actions against persons who are
12 detained as provided by Section 51.12, Family Code, after transfer
13 for prosecution in criminal court under Section 54.02, Family Code;

14 (3) election contests and suits under the Election
15 Code;

16 (4) orders for the protection of the family under
17 Subtitle B, Title 4, Family Code;

18 (5) appeals of final rulings and decisions of the
19 division of workers' compensation of the Texas Department of
20 Insurance regarding workers' compensation claims and claims under
21 the Federal Employers' Liability Act and the Jones Act;

22 (6) appeals of final orders of the commissioner of the
23 General Land Office under Section 51.3021, Natural Resources Code;

24 (7) actions in which the claimant has been diagnosed
25 with malignant mesothelioma, other malignant asbestos-related
26 cancer, malignant silica-related cancer, or acute silicosis; and

27 (8) appeals brought under Section 42.01 or 42.015, Tax

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1 Code, of orders of appraisal review boards of appraisal districts
2 established for counties with a population of less than 175,000.

3 (b-1) Except for a criminal case in which the death penalty
4 has been or may be assessed or when it would otherwise interfere
5 with a constitutional right, the trial courts of this state shall
6 prioritize over any other proceeding pending or filed in the court a
7 proceeding for injunctive relief under Chapter 273, Election Code,
8 pending or filed in the court on or after the 70th day before a
9 general or special election.

10 (b-2) A hearing in a proceeding described by Subsection
11 (b-1) may be held in person or through electronic means, as
12 determined by the court.

13 SECTION 8.07. Chapter 23, Government Code, is amended by
14 adding Subchapter D to read as follows:

15 SUBCHAPTER D. GENERAL PROVISIONS

16 Sec. 23.301. ASSIGNMENT OF CERTAIN ELECTION PROCEEDINGS;
17 CRIMINAL OFFENSE. (a) Notwithstanding any other law or rule, the
18 clerk of a district court in which a proceeding entitled to priority
19 under Section 23.101(b-1) is filed shall docket the proceeding and,
20 if more than one district court in the county has jurisdiction over
21 the proceeding, randomly assign the proceeding to a district court
22 using an automated assignment system.

23 (b) Notwithstanding any other law or rule, the clerk of a
24 county court or statutory county court in which a proceeding
25 entitled to priority under Section 23.101(b-1) is filed shall
26 docket the proceeding and, if more than one court in the county has
27 jurisdiction over the proceeding, randomly assign the proceeding to

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1 a court using an automated assignment system.

2 (c) A person, including a public official, commits an
3 offense if the person communicates with a county or district clerk
4 with the intention of influencing or attempting to influence the
5 court or judge assigned to a proceeding under this section.

6 (d) An offense under this section is a Class A misdemeanor,
7 except that the offense is a state jail felony if it is shown on the
8 trial of the offense that the person committed the offense while
9 acting in the person's official capacity as an election official.

10 (e) If a district or county clerk does not comply with this
11 section, a person may seek from the supreme court or a court of
12 appeals a writ of mandamus as provided by Section 273.061, Election
13 Code, to compel compliance with this section.

14 Sec. 23.302. DEADLINES IN CERTAIN ELECTION PROCEEDINGS.

15 (a) Not later than 24 hours after the proceeding is filed, a judge
16 to whom a case is assigned under Section 23.301(b) who wishes to be
17 recused from the proceeding must, before recusal:

18 (1) hear an application for any emergency temporary
19 relief sought;

20 (2) grant or deny any emergency temporary relief
21 sought; and

22 (3) set a scheduling order that provides:

23 (A) a date for a hearing on any injunction sought
24 not later than five days after the date on which the proceeding was
25 filed; and

26 (B) discovery and deposition deadlines before
27 the expiration of any emergency relief order entered.

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1 (b) The presiding judge of an administrative region shall
2 assign a new judge to a proceeding assigned under Section 23.301(b)
3 not later than 12 hours after the original judge assigned to the
4 proceeding is recused under Subsection (a).

5 (c) A final order in a proceeding filed under Section
6 273.081, Election Code, shall be submitted in writing to the
7 parties not later than 24 hours after the judge makes a final
8 determination in the proceeding.

9 (d) If a district judge does not comply with this section, a
10 person may seek from the supreme court, the court of criminal
11 appeals, or a court of appeals a writ of mandamus as provided by
12 Section 273.061, Election Code, to compel compliance with this
13 section.

14 (e) Notwithstanding Section 23.101(b-1), a proceeding
15 relating to a permanent injunction being sought in connection to a
16 challenge under Section 141.034, Election Code, may be heard after
17 the primary election has been canvassed.

18 ARTICLE 9. INELIGIBLE VOTERS AND RELATED REFORMS

19 SECTION 9.01. Chapter 42, Code of Criminal Procedure, is
20 amended by adding Article 42.0194 to read as follows:

21 Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the
22 trial of a felony offense, if the defendant is adjudged guilty of
23 the offense, the court shall:

24 (1) make an affirmative finding that the person has
25 been found guilty of a felony and enter the affirmative finding in
26 the judgment of the case; and

27 (2) instruct the defendant regarding how the felony

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1 conviction will impact the defendant's right to vote in this state.

2 SECTION 9.02. Article 42.01, Code of Criminal Procedure, as
3 effective September 1, 2021, is amended by adding Section 16 to read
4 as follows:

5 Sec. 16. In addition to the information described by
6 Section 1, the judgment should reflect the affirmative finding and
7 instruction entered pursuant to Article 42.0194.

8 SECTION 9.03. Section 64.012, Election Code, is amended by
9 amending Subsections (a) and (b) and adding Subsections (c) and (d)
10 to read as follows:

11 (a) A person commits an offense if the person knowingly or
12 intentionally:

13 (1) votes or attempts to vote in an election in which
14 the person knows the person is not eligible to vote;

15 (2) [~~knowingly~~] votes or attempts to vote more than
16 once in an election;

17 (3) [~~knowingly~~] votes or attempts to vote a ballot
18 belonging to another person, or by impersonating another person;
19 [~~or~~]

20 (4) [~~knowingly~~] marks or attempts to mark any portion
21 of another person's ballot without the consent of that person, or
22 without specific direction from that person how to mark the ballot;
23 or

24 (5) votes or attempts to vote in an election in this
25 state after voting in another state in an election in which a
26 federal office appears on the ballot and the election day for both
27 states is the same day.

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1 (b) An offense under this section is a Class A misdemeanor
2 ~~[felony of the second degree unless the person is convicted of an~~
3 ~~attempt. In that case, the offense is a state jail felony].~~

4 (c) A person may not be convicted solely upon the fact that
5 the person signed a provisional ballot affidavit under Section
6 63.011 unless corroborated by other evidence that the person
7 knowingly committed the offense.

8 (d) If conduct that constitutes an offense under this
9 section also constitutes an offense under any other law, the actor
10 may be prosecuted under this section, the other law, or both.

11 SECTION 9.04. The change in law made by this article in
12 adding Section 64.012(c), Election Code, applies to an offense
13 committed before, on, or after the effective date of this Act,
14 except that a final conviction for an offense under that section
15 that exists on the effective date of this Act remains unaffected by
16 this article.

17 ARTICLE 10. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

18 SECTION 10.01. The following provisions of the Election
19 Code are repealed:

- 20 (1) Section 85.062(e);
21 (2) Section 86.0105(b); and
22 (3) Section 127.201(f).

23 SECTION 10.02. If any provision of this Act or its
24 application to any person or circumstance is held invalid, the
25 invalidity does not affect other provisions or applications of this
26 Act that can be given effect without the invalid provision or
27 application, and to this end the provisions of this Act are declared

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1 to be severable.

2 SECTION 10.03. (a) Except as otherwise provided by this
3 Act, the changes in law made by this Act apply only to an offense
4 committed on or after the effective date of this Act. An offense
5 committed before the effective date of this Act is governed by the
6 law in effect when the offense was committed, and the former law is
7 continued in effect for that purpose. For purposes of this section,
8 an offense was committed before the effective date of this Act if
9 any element of the offense occurred before that date.

10 (b) The changes in law made by this Act apply only to an
11 election ordered on or after the effective date of this Act. An
12 election ordered before the effective date of this Act is governed
13 by the law in effect when the election was ordered, and the former
14 law is continued in effect for that purpose.

15 (c) The changes in law made by this Act apply only to an
16 application to vote an early voting ballot by mail submitted on or
17 after the effective date of this Act. An application to vote an
18 early voting ballot by mail submitted before the effective date of
19 this Act is governed by the law in effect when the application was
20 submitted, and the former law is continued in effect for that
21 purpose.

22 (d) The changes in law made by this Act apply only to an
23 application for voter registration submitted on or after the
24 effective date of this Act.

25 (e) Chapter 247, Election Code, as added by this Act,
26 applies only to a cause of action for which the associated election
27 occurred after the effective date of this Act.

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1 SECTION 10.04. This Act takes effect on the 91st day after
2 the last day of the legislative session.

S.B. No. 1

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1 passed the Senate on August 12, 2021, by the following vote: Yeas 18, Nays 11; August 27, 2021, Senate refused to concur in House amendments and requested appointment of Conference Committee; August 29, 2021, House granted request of the Senate; August 31, 2021, Senate adopted Conference Committee Report by the following vote: Yeas 18, Nays 13.

Secretary of the Senate

I hereby certify that S.B. No. 1 passed the House, with amendments, on August 27, 2021, by the following vote: Yeas 80, Nays 41, one present not voting; August 29, 2021, House granted request of the Senate for appointment of Conference Committee; August 31, 2021, House adopted Conference Committee Report by the following vote: Yeas 80, Nays 41, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

7/19/22, 10:50 AM

Dallas County Republican Party Mail - FW: [External Sender]V2059 Audelia Library staff allocation needs to be doubled for May ...



Jennifer Hajdu <jennifer@dallasgop.org>

FW: [External Sender]V2059 Audelia Library staff allocation needs to be doubled for May 7 **URGENT**

2 messages

Michael Scarpello <Michael.Scarpello@dallascounty.org>

To: Jennifer Hajdu <jennifer@dallasgop.org>, Susan Fountain <susanf@dallasgop.org>

Cc: Melissa Kouba <Melissa.Kouba@dallascounty.org>, Shannon Zimlich <Shannon.Zimlich@dallascounty.org>, Matthew Fairchild <Matthew.Fairchild@dallascounty.org>

Jennifer and Susan, I just wanted to make you aware of the issues in the email chain below. Ms. Robertson is not only being difficult with me, my understanding is that she has poached multiple locations without the consent or even knowledge of our team and some of those other locations are short of workers.

So, it seems that as of now she has 16 poll workers scheduled and we have only authorized 9 to work at her location.

Thoughts on what we might be able to do to manage this situation?

Thanks,

Mike

Michael Scarpello

Dallas County Elections Administrator

1520 Round Table Drive

Dallas, TX 75247

(214) 819-6335



From: Angela Robertson <angelalane@robertson@gmail.com>

Sent: Thursday, May 5, 2022 4:49 PM

To: Michael Scarpello <Michael.Scarpello@dallascounty.org>

Subject: Re: [External Sender]V2059 Audelia Library staff allocation needs to be doubled for May 7 ****URGENT

As a retired business executive and Texan for 60 years, I have an extensive network and recruited 16 people to work at our vote centers on Saturday.

I think I will be too busy to talk on the phone Saturday

Angela Robertson

On May 5, 2022, at 3:04 PM, Michael Scarpello <Michael.Scarpello@dallascounty.org> wrote:

Ms. Robertson, I really appreciate that you've "crunched" some numbers. But please understand that we have a proven methodology to project voter turnout. Also please understand March election was almost 16%. This election, in turn, the turnout will most likely be around 7%. Nonetheless, our original projections were based off of a projection of 9% just to be safe; there are hot spots where there are hot races. After Early Voting we adjusted for those hot spots, thus the 34% increase in projected turnout for your location.

On top of that, we have allocated even more equipment just to make sure we had enough. With your current allotment, you have enough e-polibooks to handle 1,440 voters and you have to handle 1,680 voters for the day. Contrast those numbers with our updated projections that say you will have 801 voters.

While I appreciate your concerns and have reacted to them, I also have an obligation to conduct this election in a fiscally responsible manner because the participating jurisdictions have equipment and each person who works at the polls. If we simply allowed every Judge to have as much equipment and personnel as they wanted, without doing our homework first, we are responsible.

Having said that, I can assure you that we will monitor your hourly numbers and if by chance, we see some unexpected spikes, we will respond accordingly with additional machines as needed. To do so, it's incredibly important that you make sure all your e-polibooks are up and running and are connected to the network.

Finally, I'd like to repeat my original question. Will you be able to obtain 2 (or 3) clerks? Or do you need additional assistance to obtain them?

Thanks again for your service. I look forward to talking to you during the day as I will be giving you a call to see how things are going.

Mike

Michael Scarpello

Dallas County Elections Administrator

1520 Round Table Drive

<https://mail.google.com/mail/u/0/?ik=ebfe686d2b&view=pt&search=all&permthid=thread-f%3A1732045292835162762&siml=msg-f%3A1732045292835162762> 1/6

CONFIDENTIAL

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7/19/22, 10:50 AM

Dallas County Republican Party Mail - FW: [External Sender]V2059 Audelia Library staff allocation needs to be doubled for May ...

Dallas, TX 75247

(214) 819-6335

From: Angela Robertson <angelalarobertson@gmail.com>
 Sent: Thursday, May 5, 2022 2:35 PM
 To: Michael Scarpello <Michael.Scarpello@dallascounty.org>
 Subject: Re: [External Sender]V2059 Audelia Library staff allocation needs to be doubled for May 7 ****URGENT

Yes, I still have concerns.

For May 7, total authorized workers was 7, and now is 9.

Authorized workers for May 7, needs to be same as March 1, which I recall was 14.

I attached proof of March 1 final vote count of 1083.....without a router first hour, thus 100 voters per hour.

Also attached is my 4/27 calculation of anticipated V2059 voter count for 5/7, which totals 1573.

May 7 is a shorter ballot than March 1, thus we need at least 9 e-pollbooks and the same number of voting machines as we had March 1.

On Thu, May 5, 2022 at 1:11 PM Michael Scarpello <Michael.Scarpello@dallascounty.org> wrote:

Ms. Robertson, one correction from my previous email. I meant to say "alternate judge" not "alternate clerk."

Michael Scarpello

Dallas County Elections Administrator

1520 Round Table Drive

Dallas, TX 75247

(214) 819-6335

From: Michael Scarpello
 Sent: Thursday, May 5, 2022 1:03 PM
 To: Angela Robertson <angelalarobertson@gmail.com>
 Cc: Malissa Kouba <Malissa.Kouba@dallascounty.org>; Matthew Fairchild <Matthew.Fairchild@dallascounty.org>; Shannon Zimlich <Shannon.Zimlich@dallascounty.org>
 Subject: RE: [External Sender]V2059 Audelia Library staff allocation needs to be doubled for May 7 ****URGENT

Ms. Robertson, we've concluded our analysis of Early Voting turnout and have made adjustments to our Election Day projections and you are correct that Audelia did experience high we are making adjustments in your allocations.

I've included some information about what we expect at your location so that you can see our logic. Our conclusion is that we are providing two more electronic poll books and three believe the additional allocations should be more than adequate given the following:

1. EV turnout tells us that ED turnout may be 34% higher than expected so we adjusted from 598 to 801 expected voters. The average per hour is 66.8 voters but the expected 81 voters.
2. In order to handle 81 voters in an hour, we estimate that you need 3.31 e-pollbooks and 3.97 voting machines. But, in an abundance of caution, we are allocating 5 e-pollbooks the Judge, as well as 9 voting machines including 7 regular machines and 2 ADA machines.

So this means that you should have an additional two more clerks to handle your check-ins. Also, our records do not show that your alternate clerk has confirmed. If they haven't or recommend that you add yet another clerk to fill that spot. Do you need assistance with clerks or do you have three people that you can add to your crew?

Let me know if you still have concerns.

VC # Current	VC Name	Estimated Number for May 2022 Turnout	Post EV Adjustments to Estimated Turnout	AVG 12 Hr	Peak Hrly Estimate	Peak Hrly Turnout	Estimated E- Pollbooks	Estimated Peak Hr E- Pollbooks	Estimated Voting Machines	Estimated Voting Machines Peak Hr
V2059	Audelia Road Branch Library	598	801	66.8	10%	81	2.78	3.31	3.34	3.97

Michael Scarpello

Dallas County Elections Administrator

<https://mail.google.com/mail/u/0/?ik=ebfe686d2b&view=pt&search=all&permthid=thread-f%3A1732045292835162762&simpl=msg-f%3A17320452928...> 2/6

1520 Round Table Drive

Dallas, TX 75247

(214) 819-6335

From: Angela Robertson <angelalrobertson@gmail.com>
Sent: Thursday, May 5, 2022 8:48 AM
To: Michael Scarpello <Michael.Scarpello@dallascounty.org>
Subject: Re: [External Sender]V2059 Audelia Library staff allocation needs to be doubled for May 7 *****URGENT

Mike,

Please reply in the next couple hours with your approval of my problem-preventing request that is substantiated below.

I hope to work well with you for many years.

Thanks, Angela

On May 2, 2022, at 1:45 PM, Michael Scarpello <Michael.Scarpello@dallascounty.org> wrote:

Ms. Robertson, as a matter of fact, I just got out of our regularly scheduled meeting where we were analyze the trends from early voting to see if adjustments are needed to be Day, and Audelia Library was the one location that jumped out at us. Consequently, we will most likely be making adjustments but haven't finalized those numbers quite yet.

Thanks for the heads up. We will be in touch regarding any changes in your allocations.

Mike

Michael Scarpello

Dallas County Elections Administrator

1520 Round Table Drive

Dallas, TX 75247

(214) 819-6335

From: Angela Robertson <angelalrobertson@gmail.com>
Sent: Monday, May 2, 2022 1:38 PM
To: Malissa Kouba <Malissa.Kouba@dallascounty.org>; Michael Scarpello <Michael.Scarpello@dallascounty.org>
Subject: [External Sender]V2059 Audelia Library staff allocation needs to be doubled for May 7 *****URGENT

Ms. Kouba and Mr. Scarpello,

I write to you as follow up to the message below, and your agreement to my virtual comments in the 4/11 VCAC and 4/12 CEAC meetings. Audelia Library will have one of the turnouts on May 7.

Based on your EV count report attached, Audelia Library staff allocation needs to be doubled for May 7. Saturday it had the second highest number of voters, of your 57 EV.

Staff allocation for Audelia Library on May 7 needs to be doubled to equal staff allocation there on March 1, when there were 100 voters an hour. Per attachment, total was 1 the first hour.

That neighborhood has two contested races and I know you are happy to see high vote counts.

Cooperating with your effort to reduce the number of vote centers, these vote centers in the neighborhood will not be used this month; Wallace Elementary, Lake Highlands Jr Highlands High School. Staff and computers that would have been used there, are needed at Audelia Library, on May 7.

Audelia Library needs to retrieve 9 e-pollbooks at Our Redeemer on 5/5.

Through Wednesday, this is my highest priority. I hope we can work well together for many years.

Angela Robertson

7/19/22, 10:50 AM

Dallas County Republican Party Mail - FW: [External Sender]V2059 Audelia Library staff allocation needs to be doubled for May ...

On Mon, May 2, 2022 at 11:31 AM Malissa Kouba <Malissa.Kouba@dallascounty.org> wrote:

Dear ANGELA ROBERTSON:

Please carefully review the information about the May 7, 2022 Constitutional Amendment and Joint Election below as some information may have changed.

Vote Center Location

The vote center you have been appointed to serve at is:

V2059 Audelia Road Branch Library

10045 Audelia Rd, Dallas, 75238

Judges at Your Vote Center

- This is a non-partisan election, and you are appointed to the role of JUDGE.

The Alternate Judge appointed to serve at your location is listed below.

GERALD OAKLEY

(214) 329-7514 LEE.OAKLEY@GMAIL.COM

The alternate judge assigned for this election **not confirmed with DCED** for this election.

Clerks at Your Vote Center

- As the Presiding Judge, you are responsible for securing clerks to assist you at your vote center.
- **For this election, you have been allocated 6 clerk positions to assist you**
 - If the Alternate Judge is listed above, and noted as confirmed, one of the allocated clerk positions is filled by them.
 - If the Alternate Judge is listed as *Vacant – Assign Clerk*, or if the alternate judge has not confirmed, the total number of allocated clerks is available to be fill

• Requirements / Qualifications of Clerks

When selecting your clerks, please remember that:

- If possible, one clerk at each location should be bilingual and speak both English and Spanish.
- If possible, one clerk at each location should be bilingual and speak both English and Vietnamese.
- The remaining clerks may be of your choosing but must be qualified voters of Dallas County or qualified student clerks.
- A clerk selected to work at a Vote Center cannot be:
 - A person who holds an elective public office
 - A candidate for public office in an election to be held on the same day
 - Employed by, or related within the second degree to, an opposed candidate for public office or the party office of county chairman
 - A campaign treasurer of a candidate in the election
 - A campaign manager of a candidate in the election

• Student Clerks

The Elections Department recruits a pool of student clerks from local high schools to work at vote centers on Election Day. Student clerks are assigned at the request request a student clerk to serve at your vote center, contact the Voting Sites Department. Assigned student clerks are counted towards your allocated number of clerk

• Standby Clerks

The Elections Department also has a pool of potential poll workers available to serve and we are happy to assist you in securing clerks or bilingual clerks for your vote need arise. If you need clerks assigned to serve at your location, please contact the Voting Sites team ASAP as placement is underway.

- A Poll Worker Information Form can be found here: https://www.dallascountyvotes.org/wp-content/uploads/PW-Information-Form_Final.pdf. If you have not already form including the information of your assigned clerks and any stand-by clerks and email it to VotingSites-ED@dallascounty.org. Timely receipt of this information is critical preparation activities.

Training

If you have not already scheduled for or attended training, please see the information below.

Judges who worked in the 2022 March Primary Election will have two options for training.

- 1) Attend a one-hour virtual refresher class focused on newly implemented changes and specific areas of the judge's duties, or
- 2) Attend a 5-hour in-person advanced training class which includes the basic training coursework and interactive training on required forms and procedures specific to the Judge.

Clerks who worked in the 2022 March Primary Election do not have to attend any training. However, they can sign up for an in-person training class or can review the training on our website.

Clerks who did not work in the 2022 March Primary Election must attend a basic training class. Basic training classes will be three hours and will include an overview of election and hands on training of the election equipment.

Training classes can be scheduled online via the Dallas County Election Poll Worker Portal. If you have already signed up for the portal, you can schedule a class using the link here: [Easy Poll Worker Required Classes](#)

7/19/22, 10:50 AM

Dallas County Republican Party Mail - FW: [External Sender]V2059 Audelia Library staff allocation needs to be doubled for May ...

If you have not signed up for the portal, please contact our office for assistance with logging in.

Supply Pick-up

Most election equipment and supplies will be delivered to your vote center prior to Election Day. However, the Presiding Judge, is responsible for picking up Electronic Poll Judge's Orange Case for each vote center. Please see below information regarding your assigned Regional Site.

Supply Pick will be held on May 05, 2022, from 2pm – 7pm at:

RS03 Our Redeemer Lutheran Church

7611 Park Ln

Dallas, TX 75225

Vote Center Set-Up

Prior to Election Day, it would be very beneficial to you to visit your vote center to establish your Election Day contact and to start setting up your vote center. The contact : center set up, or for other questions regarding your vote center is:

Julie Gonzalez 214-670-1350

Compensation

The Dallas County Commissioners Court recently approved an increase in payrates for Election Day Judges and Co-Judges from \$18 per hour to \$20 per hour. Clerks will \$16 per hour. Workers should report to the vote center no later than 6am and will work until the vote center is closed and all closing procedures have been completed. All compensated for their actual time worked, beginning up to one hour prior to the opening of the vote center (6am) through up to two hours after the vote center is closed. Poll workers who pick up election supplies and deliver voted ballots and other limited supplies to the regional site after the polls close will receive an additional \$25.

Additionally, the Dallas County Commissioners Court approved compensation for attending training as follows:

- \$50 for attending a Basic Training Class
- \$100 for attending an Advanced In-Person Training Class
- \$30 for attending a Refresher Advanced Training Class (In-Person or Virtual)

Confirmation of Service

If you have not done so already, please email VotingSites-ED@dallascounty.org to either confirm your availability to serve, or to decline serving for this election.

If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

Voting Sites Department

214-819-6332

Disclaimer

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7/19/22, 10:50 AM

Dallas County Republican Party Mail - FW: [External Sender]V2059 Audelia Library staff allocation needs to be doubled for May ...

security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology movement toward building a more resilient world. To find out more, visit our website

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Jennifer Hajdu <jennifer@dallasgop.org>

Fri, May 6, 2022 at 8:47 AM

To: Michael Scarpello <Michael.Scarpello@dallascounty.org>

Cc: Susan Fountain <susanf@dallasgop.org>, Malissa Kouba <Malissa.Kouba@dallascounty.org>, Shannon Zimlich <Shannon.Zimlich@dallascounty.org>, Matthew Fairchild <Matthew.Fairchild@dallascounty.org>

Michael:

I have sent Angela an email asking her to stop and work with the Elections Department. My apologies. I will also try to call her.

Jennifer

Jennifer Stoddard Hajdu
Dallas County Republican Party Chairman
Dallas County Republican Party
11617 N. Central Expressway, Suite 240
Dallas, TX 75243



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County Republican Party
Fighting for Freedom

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